

**Question for written answer E-001759/2018
to the Commission**
Rule 130
Mady Delvaux (S&D)

Subject: Patent legal system: abusive litigation practices

A recent report by Darts-ip, the world's leading authority on intellectual property case law data, demonstrates that litigation activity in Europe by Non-Practicing Entities (NPE), also known as Patent Assertion Entities (PAE) or 'patent trolls', is on the rise. In particular, the report shows that there has been a 20 % year-on-year jump in NPE-related litigation over the past 10 years, and that 60 % of NPE litigation is initiated by US-based NPEs.

Patent trolls do not innovate and produce, but buy up patents, often of low quality, strategically for the purpose of litigating to extract payments from operating companies, including SMEs. Such abusive litigation practices harm innovation and investment in the new technologies of the digital economy in Europe.

Given the data revealed by the ground-breaking report by Darts-ip, does the Commission consider that the EU's patent legal system faces a growing problem and that action is needed to prevent further damage to Europe's digital innovation?

Does the Commission plan to work with Member States to implement safeguards in relation to all patents, not just standard-essential patents, to prevent patent trolls from exploiting the legal system to the detriment of Europe's digital-based economy?