



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Industry, Research and Energy*

---

**2011/2176(INI)**

14.10.2011

# **AMENDMENTS**

## **1 - 18**

**Draft opinion**  
**Alajos Mészáros**  
(PE472.079v01-00)

on jurisdictional system for patent disputes  
(2011/2176(INI))

AM\879880EN.doc

PE473.870v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_NonLegOpinion

**Amendment 1**  
**Adam Gierek**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Welcomes as indispensable to guaranteeing unitary patent protection within the European Union, the participating Member States' efforts to establish a Unified Patent Litigation Court by means of an international agreement; recalls that the unitary patent system can only be effective through a functioning patent litigation system;

*Amendment*

1. Welcomes as indispensable to guaranteeing unitary patent protection within the European Union, the participating Member States' efforts to establish a Unified Patent Litigation Court by means of an international agreement; recalls that the unitary patent system can only be effective through a functioning patent litigation system; ***nevertheless, the participating Member States shall ensure effective legal protection before a national court against any administrative decision of the European Patent Office;***

Or. en

**Amendment 2**  
**Krišjānis Kariņš, Bendt Bendtsen**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Welcomes as indispensable to guaranteeing unitary patent protection within the European Union, the participating Member States' efforts to establish a Unified Patent Litigation Court by means of an international agreement; recalls that the unitary patent system can only be effective through a functioning patent litigation system;

*Amendment*

1. Welcomes as indispensable to guaranteeing unitary patent protection within the European Union, the participating Member States' efforts to establish a Unified Patent Litigation Court by means of an international agreement; recalls that the unitary patent system can only be effective through a functioning patent litigation system, ***which guarantees timely consideration of a claim;***

Or. en

**Amendment 3**  
**Ioannis A. Tsoukalas**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Believes that the creation of the unified patent litigation system will play an important role in strengthening legal certainty, further boosting innovation in Europe and increasing the competitiveness of European industry, particularly with regard to small and medium-sized enterprises (SMEs);

*Amendment*

2. Believes that the creation of the unified patent litigation system will play an important role in strengthening legal certainty **and efficient, quick, low-cost, high quality legal protection**, further boosting **research and** innovation in Europe and increasing the competitiveness of European industry, particularly with regard to small and medium-sized enterprises (SMEs);

Or. en

**Amendment 4**  
**Adam Gierek**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Believes that the creation of the unified patent litigation system will play an important role in strengthening legal certainty, further boosting innovation in **Europe** and increasing the competitiveness of European industry, particularly with regard to small and medium-sized enterprises (SMEs);

*Amendment*

2. Believes that the creation of the unified patent litigation system, **reducing legal costs and shortening time to resolution of disputes**, will play an important role in strengthening legal certainty, further boosting innovation in the **EU** and increasing the competitiveness of European industry, particularly with regard to small and medium-sized enterprises (SMEs);

Or. en

**Amendment 5**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Believes that the creation of the unified patent litigation system **will** play an important role in strengthening legal certainty, further boosting innovation in Europe and increasing the competitiveness of European industry, particularly with regard to small and medium-sized enterprises (SMEs);

*Amendment*

2. Believes that the creation of the unified patent litigation system **could** play an important role in strengthening legal certainty, further boosting innovation in Europe and increasing the competitiveness of European industry, particularly with regard to **researchers and** small and medium-sized enterprises (SMEs);

Or. en

**Amendment 6**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Suggests that Members of boards of appeal of a national patent office or of the EPO shall not be eligible to serve as a judge of the court until expiry of a 6-months period after the termination of their previous function so as to guarantee their neutrality;***

Or. en

**Amendment 7**  
**Alajos Mészáros**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Underlines that the multinational composition of the local and regional divisions of the Court of First Instance shall be guaranteed within a reasonable time frame;***

Or. en

**Amendment 8**  
**Ioannis A. Tsoukalas**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training;

*Amendment*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications, ***expertise and specialisation***, receive continuous training ***as well as have access to expert assistance and technical advisors, non-excluding the assistance of experts from the EU's Agencies and the JRC;***

Or. en

**Amendment 9**  
**Jens Rohde**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training;

*Amendment*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training; ***in this regard also highlights the importance of***

*having technical judges both in the central courts and the local/regional divisions;*

Or. en

**Amendment 10**  
**Bendt Bendtsen**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training;

*Amendment*

4. Notes that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training; ***but points out that judges should not provide counselling on a case already brought to court;***

Or. en

**Amendment 11**  
**Silvia-Adriana Țicău**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. ***Notes*** that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training;

*Amendment*

4. ***Stresses*** that, to ensure the high quality of court decisions, it will be essential for judges to have the necessary qualifications and receive continuous training, ***and calls on the Member States and the Commission to take appropriate measures;***

Or. en

**Amendment 12**  
**Adam Gierek**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. States that adopting English as the only working language related to patent legal protection shall reduce costs;***

Or. en

**Amendment 13**  
**Jens Rohde**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Welcomes the establishment of a mediation and arbitration centre within the framework of the agreement, ***which is a further step towards reducing the*** costs of litigation for the parties involved;

5. Welcomes the establishment of a mediation and arbitration centre within the framework of the agreement ***and stresses that one of its main aims must be to reduce and keep*** litigation costs ***down*** for the parties involved;

Or. en

**Amendment 14**  
**Ioannis A. Tsoukalas**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

*Amendment*

5. Welcomes the establishment of a mediation and arbitration centre within the framework of the agreement, which is a further step towards reducing the costs of litigation for the parties involved;

5. Welcomes the establishment of a mediation and arbitration centre within the framework of the agreement, which is a further step towards reducing ***red tape and*** the costs of litigation for the parties

involved;

Or. en

**Amendment 15**  
**Jens Rohde**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Emphasises ***the need for preferential treatment for*** SMEs and young innovative companies, ***in the form of a*** differentiated and ***simplified cost and procedural structure***;

*Amendment*

6. Emphasises ***that a simple and well-functioning Unified Patent Litigation system will be of particular benefit to*** SMEs and young innovative companies; ***invites the Member States to examine the possibility for introducing*** differentiated ***fees for micro and small enterprises as defined in the Commission Recommendation 2003/361/EC, whilst fully respecting equality before the law***;

Or. en

**Amendment 16**  
**Philippe Lamberts**  
on behalf of the Verts/ALE Group

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Emphasises the need for preferential treatment for SMEs and ***young*** innovative companies, in the form of a differentiated and simplified cost and procedural structure;

*Amendment*

6. Emphasises the need for preferential treatment for ***smaller actors, in particular researchers***, SMEs and innovative companies, in the form of a differentiated and simplified cost and procedural structure;

Or. en

**Amendment 17**  
**Jens Rohde**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Stresses the need for legal certainty and therefore believes that jurisdiction should fall to the local or regional division hosted by the Contracting Member State where the defendant is domiciled;***

Or. en

**Amendment 18**  
**Adam Gierek**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Calls on the European Commission for an assessment of the financial effects of United Patent Litigation;***

Or. en