



EUROPEAN PARLIAMENT

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Committee on Industry, Research and Energy

2011/2176(INI)

29.9.2011

DRAFT OPINION

of the Committee on Industry, Research and Energy

for the Committee on Legal Affairs

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

Rapporteur: Alajos Mészáros

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SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

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;
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);
3. Welcomes the decentralised court structure approach of the agreement, which enables the parties to enforce their patent-related rights through a cost and time effective procedure in the Member State concerned;
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;
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;
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;
7. Urges the participating Member States to ratify the agreement without delay;