



# A step closer to an EU patent

Committees: Committee on Legal Affairs

**The EU patent "package" moved a step closer to final approval on Tuesday, when the Legal Affairs Committee approved a mandate to open formal negotiations with national governments to agree to create unitary patent, so as to cut costs for firms and boost the EU's competitiveness. Parliament will strive to adapt the proposed regime to small firms' needs.**

The European Parliament's rapporteurs, who will negotiate with national governments, will treat the three proposals (unitary patent, language regime and unified patent court) as a package, meaning none will be agreed without the others. According to the mandate, approved by the committee with 16 votes in favour and 3 against, the MEP negotiators will also ask that the three laws enter into force at the same time.

The aim of creating an EU patent is twofold. First to reduce current patenting costs by up to 80%, so as to improve the competitive position of EU firms vis-à-vis their counterparts in the US and Japan, where patents are substantially cheaper. Second, it should help to avoid the legal confusion created when dealing with differing national patent laws.

## MEPs aim to cut costs for small firms

The first piece of legislation in the package is a regulation setting up a unitary patent protection system. The committee endorsed the Commission proposal, and in particular a provision allowing inventors from countries currently outside the procedure to apply for an EU patent.

Rapporteur Bernhard Rapkay (S&D, DE) will strive to amend the text so as to introduce specific provisions to ensure that small firms benefit from reduced costs and a sound system for distributing patent renewal fees. (Renewal fees account for a big share of total costs, and the economic sustainability of the system as a whole depends upon them).

## What language for EU-wide patents?

The proposed regime for translating EU patents would make them available in German, English and French, although applications could be submitted in any EU language. Translation costs from a language other than the three official ones would be compensated.

Raffaele Baldassarre (EPP, IT), rapporteur for this second regulation, will also ask for a special provisions for small firms, including a special reimbursement and an easier access to patent protection.

## Enforcing protection

An international agreement is currently being negotiated by Member States participating in the procedure to create a unified patent court so as to reduce costs and uncertainty as to the law due to differing national interpretations.

Klaus-Heiner Lehne (EPP, DE), rapporteur for the last piece of the package, will seek to ensure that the litigation system is efficient, by giving it a decentralised structure, clear procedural rules and judges selected for their competence.

# Press release

The legislation is being dealt under the so-called "enhanced cooperation procedure", which allows groups of Member States to integrate policies further, even where others do not agree. Spain and Italy have so far opted out of work on the patent proposal, but could join the decision-making process at any time. This procedure was adopted to unblock the file, long stalled over language issues.

*Committee on Legal Affairs*

*In the chair: Klaus-Heiner Lehne (EPP, DE)*

*Procedure: vote on negotiating mandate*

## **Contact :**

**Federico DE GIROLAMO**

BXL: (+32) 2 28 31389

STR: (+33) 3 881 72850

PORT: (+32) 498 98 35 91

EMAIL: [lega-press@europarl.europa.eu](mailto:lega-press@europarl.europa.eu)