



## EU patent gets Legal Affairs Committee green light

Committees: Committee on Legal Affairs

**The EU came a step closer to getting a single patent system on Tuesday, when a deal struck by European Parliament representatives and the Polish Presidency of the Council was backed by the Legal Affairs Committee. The new EU patent would be substantially cheaper and thus more competitive than current ones. Parliament succeeded in adapting the proposed regime to small firms' needs.**

In three separate voting sessions, Legal Affairs Committee MEPs backed a political deal struck last 1 December between Parliament and Council negotiators on the so-called "EU patent package" (unitary patent, language regime and unified patent court). If Parliament as a whole and the Council confirm the deal, a new EU patent will be created.

The negotiations were led, for Parliament, by committee chair Klaus-Heiner Lehne (EPP, DE), Bernhard Rapkay (S&D, DE) and Raffaele Baldassarre (EPP, IT). MEPs inserted some provisions, among others, to tailor the proposed regime to the needs of small and medium-sized firms (SMEs).

### Cheaper and more effective protection

The new patent will be less expensive and more effective than current systems in protecting the inventions of individuals and firms. The new system would provide automatic unitary patent protection and substantially cut costs for EU firms and help boost their competitiveness. The European Commission says that when the new system is up to speed, an EU patent may cost just €680, compared to an average of €1,850 for an American one.

To obtain EU-wide protection today, a European inventor has to validate a patent in each EU Member State, through the European Patent Office (EPO), a non-EU body. This procedure entails costs, especially for translation, that can make a European patent 10 times more expensive than a US one.

A unified patent court, to be set up through an international agreement currently being negotiated by Member States, will also cut costs and reduce current legal uncertainty due to differing national interpretations.

### How to apply for the new patent?

Any inventor would be able to apply for an EU patent ensuring protection in all the 25 EU Member States concerned. Patents will be made available in English, French and German, but applications may be submitted in any EU language. Translation costs from a language other than the three official ones would be compensated.

### MEPs for SMEs

Thanks to Parliament, specific measures were agreed to facilitate SMEs' access to the European patent market. These range from stronger legal protection to full compensation of translation costs. Parliament's also obtained an improvement in the rules on how patent offices share renewal fees, upon which the economic sustainability of the whole system lies.

# Press release

## Next steps

Before the new regulation can enter into force, it must be endorsed by the full Parliament, possibly at the February plenary session, and the Council.

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)*

*Procedures: co-decision (unitary patent), consultation (language regime), non-legislative (unified patent court)*

*Plenary vote: February 2012 (tbc)*

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