

WRITTEN QUESTION E-1055/04
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to the Council

Subject: Lack of swift and efficient legal safeguards for European patents

A manufacturer of metal tools and machinery saw his own innovation, which was covered by a European patent as well as a national patent, copied by German manufacturers and subsequently imported to France. After tackling a number of problems, which included identifying the relevant court and linguistic difficulties, he brought proceedings before a French court, which two years later and following submission of a large volume of expert evidence has not yet reached a verdict.

Since businesses choose the European patent, at substantial annual cost, precisely in order to safeguard their products at European level, and since in practice there is no swift and easily accessible legal and judicial protection, precisely because the European Patent Convention of 1973 assigns competence to the national courts, can the Council say what steps it intends to take following the recent failure to reach agreement on legal protection for the European patent, which has hampered its implementation?

Can the Council say whether it has considered the possibility of introducing Community legislation stipulating at least the maximum duration of European patent proceedings?

What does it think about the Commission's proposal to set up a Community Patent Court?

Has it considered the possibility of promoting a proposal to introduce a swift and efficient legal safeguard mechanism in the context of the Munich Convention?

What measures will it propose to give European businesses more confidence, since at present only 14% of companies decide to patent new products?