

WRITTEN QUESTION E-3580/06
by Michel Rocard (PSE)
to the Commission

Subject: Case law and innovation policy within the European Patent Judiciary set up under the EPLA (European Patent Litigation Agreement)

A series of case-law decisions by the Technical Appeal Board of the European Patent Office has led to the issuing of software patents and patents on business methods (which correspond to USPTO Class 705).

Does the Commission agree that the inclusion of software within the parameters of patentability was not a 'technical' decision but a substantial change to patent law, which is outside the jurisdiction of any court, and that decisions of this kind need to be dealt with appropriately at a political level, i.e. they must take the form of legislation?

What mechanisms does the Commission intend to put in place with regard to the EPLA to ensure that similar excesses do not occur?