

WRITTEN QUESTION E-3582/06
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to the Commission

Subject: Cost of patent cases before the European Patent Judiciary set up under the EPLA

Page 13 of the European Patent Office's assessment of the impact of the European Patent Litigation Agreement (EPLA), dated February 2006, shows that the minimum costs of a medium-scale patent case brought before the future European Patent Court at first instance are barely lower than the costs if the same case were brought simultaneously in Germany, France and the Netherlands and that the minimum costs of a case at second instance are barely lower than those of simultaneously bringing the same case before a court in Germany, the Netherlands and the United Kingdom.

Given that SMES can often afford to bring only one case at a time, and have to rely on the settlement of that case in order to have the funds to bring another if need be, how does the Commission justify this rise in the cost of litigation, both in itself but primarily with regard to the interests of SMEs?