

WRITTEN QUESTION E-1679/07
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to the Commission

Subject: Encouraging technical innovation in the EU

The long and thorny debate which took place throughout 2004 and 2005 on the draft Directive on computer-implemented inventions, which was not in the end adopted, highlighted the need to make far-reaching changes to the EU's patents and industrial property arrangements; the current coexistence of very different national arrangements leads to major problems for innovative European SMEs, some of which do not have the resources available to large companies to protect their intellectual and industrial property. In the field of competition law, the Commission deems as 'non-innovative' and 'of little value', technologies which have been patented, which means that the Commission is really starting to pass judgment on the innovative nature and value of the patents legally granted by the European Patent Office, a situation which creates enormous legal uncertainty.

Does the Commission intend to put forward in the near future any changes to the current legislation on intellectual and industrial property?

Does it think that significant changes need to be proposed in the way the European Patent Office operates, or the criteria on which patents are granted? Does the Commission think it is legitimate for it to be passing judgment on the value and innovative character of patents legally granted by the EPO, thus establishing a precedent which could be applied to other fields?