

WRITTEN QUESTION E-2111/07  
by Renato Brunetta (PPE-DE)  
to the Commission

Subject: Legal protection of patents

In the light of the recent proposal for a European Parliament and Council Directive on penalties designed to ensure that intellectual-property rights are upheld, will the Commission answer the following questions?

- What principles of Community law does DG Competition cite in order to justify its recent decisions, which appear to alter the legal protection afforded to commercial secrets (which will in future be granted a lower level of protection than that offered to other forms of intellectual property)?

This will require patent-holding companies to grant users' licences to other parties on the basis of a mere assessment carried out by the above-mentioned DG - an assessment based on whether or not a patented product is required to be innovative.

- What standards does DG Competition intend to adopt for the purpose of establishing the degree of innovation required in order for a product to secure legal protection?

- Which principles of Community law has DG Competition taken as a basis for making its assessments?

In view of the importance which the system of legal protection for patents has assumed in the European and international economy, is the Commission aware of the damage which a reinterpretation of European law could cause to companies operating on the European market by depriving them of a tool which they need in order to compete on international markets?