

**Question for written answer E-011245/2012
to the Commission**

Rule 117

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Subject: Unitary patent protection regime

The creation of a European Unitary Patent Court with three seats (Paris, London and Munich) is proceeding apace thanks to two proposals for regulations put forward by the Commission - COM (2011) 0215 on the creation of unitary patent protection and COM (2011) 0216 on the applicable translation arrangements - and an international agreement between the Member States under 'enhanced cooperation'. Given that a) the patenting process has very important economic and social implications and has applications in key areas such as research, health, medicine, technology etc.; b) the experience of the European Patent Office (EPO) to date suggests that patents are obtained overwhelmingly by large multinational companies (significantly, the first three are: Siemens, Philips and Samsung, two of which were sanctioned recently by the Commission's Competition DG because, by forming a cartel, they had managed to delay the dominance of new television screen technologies) and most of these patents are obtained by nationals of Europe's main economic powers (Germany, France and the United Kingdom account for the largest number of patents, in that order); and c) Italy and Spain have initiated legal action against the Council before the Court of Justice; its judgement is still pending.

In view of the above, will the Commission say:

1. What measures can be taken to ensure that the new Court will have no adverse consequences for SMEs from small and less developed countries?
2. Does it not agree that the decision to restrict the Court's working languages to German, English and French will be an obstacle to businesses and inventors from Member States where other languages are spoken and, especially, their SMEs?
3. How can the decision to have only these three working languages be justified under EU law?
4. How can there ever be common 'European' patentability thresholds, since the process of setting these thresholds is subjective and influenced, directly or indirectly, both by the specific technological and economic development requirements of each country and by the specific needs of particular commercial and technology sectors? Does it not favour cartel practices, such as those condemned by the Commission's DG Competition (IP/12/1317)?
5. Which countries have prepared their own impact assessment studies of such an enterprise?