

**Question for written answer E-012200/2013
to the Commission**
Rule 117
Marc Tarabella (S&D)

Subject: Danger posed by 'patent trolls'

Are 'patent trolls' soon to arrive in Europe en masse? These companies, which are very active in the United States, make money by buying up patents with the sole aim of taking anyone who infringes them to court. 'Patent trolls' thus make no commercial use of the patents they own; rather, they use them purely as a way of pressuring other companies into giving them money.

For now, 'patent trolls' are largely an American problem. However, the new EU legislation on patents could change that.

1. How is the Commission preparing for this legislation?
2. Does it have concerns that the law will be abused?

Intellectual property cases may be dealt with by two courts: one focuses on the validity of the patent, while the other establishes whether the patent has been infringed or not. As both courts work independently of each other, a product may be preventively taken off the market before the issue of the patent's validity has been resolved. What is more, this could happen in at least 13 Member States, once the single patent becomes a reality.

3. In view of the major impact such a ban would have, would this not enable plaintiffs to extract considerable sums of money on the basis of poor-quality or even invalid patents?