

19 November 2001

**COMMUNITY PATENT:
MAKE IT SIMPLE AND ATTRACTIVE**

The Lisbon Summit ranked the Community patent on the list of deliverables for the end of 2001, as a necessary element to ensure that the EU will become *"the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion."*

UNICE welcomes the efforts made by the Belgian Presidency to meet both the deadline and objectives set in Lisbon, but is increasingly concerned about the latest developments in view of the 26 November 2001 Internal Market Council.

The Commission proposal (1 August 2000) was supported by UNICE since it was based on the explicit statement that the Community Patent must be of a unitary character, affordable, guarantee legal certainty and coexist with the present patent systems in Europe.

Since the Commission issued its proposal, discussions at Council level have considerably affected its content and Member States seem to have lost track of the objective stated in Lisbon: to ensure that EU-wide patent protection in the Union is as simple and inexpensive to obtain and as comprehensive in its scope as the protection granted by key competitors.

After a thorough assessment, UNICE is concerned that the current compromise proposal is far removed from this objective, mainly in terms of costs. The current proposal would not create the innovative framework needed by inventors in Europe, would harm industry's interests, in particular SMEs, and would leave the EU lagging behind its main competitors in this area.

UNICE cannot support a political compromise that does not meet the needs of innovative companies and inventors in terms of user-friendliness and cost of protection.

If Member States cannot deliver an appropriate instrument to achieve these objectives, it would be better to have no Community Patent, and efforts should concentrate on improvement of the Munich European Patent system.

The latest UNICE comment can be found at www.unice.org

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