

DBO/JPC/nd/5.1/10/1

Mr Bendt Bendtsen
President of the Competitiveness Council
Council of the European Union
rue de la Loi, 175
1048 Brussels

7 November 2002

THE SECRETARY GENERAL

Dear Mr Bendtsen,

RE: **COMMUNITY PATENT PROPOSAL**

In a few days the Competitiveness Council should assess the current state of play on the Community patent proposal. No need to remind you how important this subject is for European industry and its competitiveness.

The deadline set in Lisbon has already been missed and industry is greatly concerned about the fact that, since then, the dossier has been passed from one Presidency to another, with a progressive erosion of the proposal.

This is a situation that is no longer tenable and we now urge the Competitiveness Council to assess the global package on the table.

The latest piece of the package put on the table by the Commission concerning jurisdictional arrangements is key for the legal certainty of the proposed instrument. UNICE has time and again made clear that it can only support a centralised jurisdiction at first and second instance levels (the creation of regional chambers at first instance deserves further thinking).

It is the first time that all the pieces of the jigsaw, including the jurisdictional arrangements, are available and, in this context, we ask the Competitiveness Council to:

- make an assessment of the current proposal compared with the objectives set in Lisbon of adopting a Community patent that can be competitive with US and Japanese patents and;
- make a clear recommendation with a timetable for the next steps.

UNICE considers that political compromises have already placed the current package far away from the instrument that business needs if it wants to compete with its main trading counterparts. Further erosion is unacceptable to industry and a decision has now to be made on what to do with this dossier.

As its name indicates, this new Council formation has a duty to give a clear signal as to where it goes on this dossier.

We would appreciate it if you could distribute this document to all members of the Competitiveness Council.

Yours sincerely,

(original signed by)

Philippe de Buck