

dBO/JPC/IK/mgh/5.1/10/1

TO COREPER

10 December 2003

THE SECRETARY GENERAL

Dear Ambassador,

RE: **PROPOSAL FOR A COMMUNITY PATENT REGULATION**

I refer to my letter of 21 November 2003 (annexed for ease of reference) voicing industry's strongest alarm about the direction taken by the Community Patent dossier.

Since this letter, UNICE's member federations and companies in Europe feel that an even stronger stance is necessary.

The assessment of the final package for the Community Patent to be proposed for adoption at the 12-13 December EU summit prompts us to demand that discussions on this subject stop for the time being. Since the text on the table no longer meets users' needs, UNICE wants the project to be re-initiated on a sounder basis, taking primarily into account the interests of industry and of EU competitiveness.

We therefore ask you to reject the latest proposal and initiate a thorough discussion with the users of the future instrument. Innovation and the competitiveness of the EU are at stake. We trust that you will take the appropriate measures suggested above to respond to users' needs on this subject.

We would appreciate it if this message could be circulated to your national delegations in advance of the EU Summit meeting.

Yours sincerely,



Philippe de Buck

Ann.: 1

UNICE

THE VOICE OF BUSINESS IN EUROPE

COREPER

21 November 2003

THE SECRETARY GENERAL

Dear Ambassador,

RE: **PROPOSAL FOR A COMMUNITY PATENT REGULATION**

UNICE is of the strong view that the Community Patent is a tool of major importance for Europe's competitiveness and innovation as part of the Lisbon strategy and therefore supported the Commission proposal to create a Community Patent.

UNICE has always stressed the need for a Community Patent that can meet users' needs in terms of quality, affordability and legal certainty.

The Competitiveness Council will discuss the Community Patent on 26 November 2003. In this context, UNICE would like to express its alarm regarding the latest proposals under negotiations following the political agreement in March 2003.

For UNICE, the current package deviates so much from the principles of the original Commission proposal in terms of costs and legal certainty that it no longer meets industry's needs.

UNICE has constantly stressed that the current package is not competitive in terms of costs.

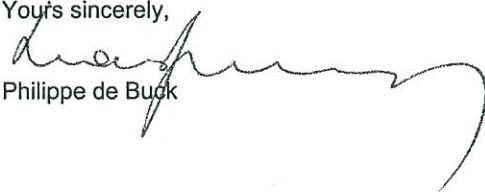
In addition, the latest developments clearly put into question the unitary character of the Community Patent as well. Proposals that give a legal effect to the translations of the patent claims are unacceptable for industry. The authentic text of the patent should remain that of the language in which the patent was granted before the European Patent Office and the translations should only be informative.

In this regard, industry cannot support these latest proposals that render the Community patent system unattractive to users, in particular SMEs. Industry will not use a system that does not correspond to its needs.

UNICE urges the Competitiveness Council to make an assessment of the current proposals under negotiations compared with the objectives set in Lisbon of adopting a Community patent that can be competitive with US and Japanese patents, and reject a compromise that contradicts the Lisbon strategy and will render the Community Patent of no real value to companies.

We would appreciate it if this message could be circulated to your national ministers in advance of next week's Competitiveness Council meeting.

Yours sincerely,


Philippe de Buck