

COREPER

1 March 2004

THE SECRETARY GENERAL

Dear Ambassador,

In view of the upcoming discussions at Council level regarding the proposal for a directive on the patentability of computer-implemented inventions, UNICE would like to voice its assessment of the latest compromise proposal by the Irish presidency.

UNICE has supported from the outset the thrust of the Commission proposal for a directive on patent protection for computer-implemented inventions, whose main aim was to ensure a clear legal framework consistent with current European patent practice, in a manner supportive of Europe's innovation and competitiveness.

UNICE has pointed out on several occasions that the current patent system has served Europe well and that European industry does not want to see a shift towards the US model. In Europe, SMEs, large companies and the open source community have been able to exist side by side and there has been room for all of them to develop and to contribute to European innovation. Therefore, UNICE is firmly against any changes in the legal status-quo, that would go in the direction of either an increase or a reduction of what is patentable in Europe today. In any other case, UNICE has stressed that industry can function very well with the existing legal framework.

UNICE has expressed its strong objections to the bulk of the amendments adopted by the European Parliament and stressed that industry could not see the added value of a directive on the patentability of computer-implemented inventions along the lines proposed by the European Parliament.

UNICE is of the strong view that the compromise proposal of the Irish presidency is an acceptable compromise, even though the Council's General Approach of November 2002 could provide the Council with the best basis to prepare its common position, since it is balanced, consistent and in line with current European patent practice.

We thank you in advance for your support.

Yours sincerely,



Philippe de Buck