

26 October 2004

Mr Alain Pompidou
President
European Patent Office
Erhardstrasse 27

D – 80331 Munich

THE SECRETARY GENERAL

Dear President,

UNICE would like to reiterate its support in principle for the setting-up of a European Patent Academy, that should improve patent education and continuing training in Europe.

Nevertheless, UNICE would like to voice its opposition regarding the proposed budgetary structure of the Academy, namely being financed mainly from the general budget of the EPO. UNICE cannot accept the current proposal as it would lead to an increase of the filing costs for European applications, which in turn would reduce even more the competitiveness of the European Patent system compared with the USA and Japan, in terms of costs.

Whereas it appears understandable that financial support by cross-subsidy through filing fees might be necessary in the initial phase, we would urge you to set up the fee structure on a mid/long term perspective in such a way as to cover the costs of the Academy through tuition fees only but not through applicants' fees.

In addition to the above comments, UNICE considers it key that industry has an adequate representation as well as sufficient possibilities of providing input to the main decision-making bodies of the Academy.

The proposed structure foresees a member of the Supervisory Board of the Academy being proposed by UNICE. Such a presence is in UNICE's view significant and we welcome this possibility. Additionally, we would like to suggest that you consider providing industry with the opportunity to give input to the academic programme through industry experts on training and education.

We thank you in advance for taking into account our concerns and proposals in the upcoming deliberations.

We remain at your disposal for any further clarification of our position.

Yours sincerely,

Cordialement à vous,



Philippe de Buck