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EUROPEAN PATENT LITIGATION AGREEMENT

A reliable litigation system providing consistent and efficient enforcement of European Patents is key for industry.

UNICE has from the outset consistently and actively supported setting up an integrated judicial system, including common rules of procedure and a common court of appeal, for litigating infringement and validity disputes concerning European Patents with the European Patent Litigation Agreement (EPLA).

European industry attaches great value to EPLA. European patents are of prime importance and will remain vital for companies, independent of any developments in the Community Patent negotiations. For reasons of cost-effectiveness more companies will continue to use the bundle patent than would have been the case had the Community Patent originally proposed by the Commission come into being.

UNICE would like to reiterate its strong support to the EPLA as a means to adapt the European patent system to the needs of companies for legal certainty while avoiding the harmful effects of the current divergent national proceedings. Without EPLA, judicial proceedings with regard to European patents would be handled by national courts. This would continue the current practice of disputes being settled differently in different countries in terms of procedures and content.

An operational common patent judiciary under EPLA will also be a basis for providing patent judges with the appropriate experience in the start-up phase of the Community Patent judiciary.

It would be an important step forward if European Patents and Community Patents could be dealt with under the same judicial system. A coordination of the judicial systems for Community and European Patents is essential for industry in order to enhance consistency and efficiency in the enforcement of patents within the Community and among the EPC Member States. Only then would unambiguous and uniform handling of patent disputes relating to patents granted by the EPO come into effect.

UNICE urges EU Member States to take a pro-active stance in successfully concluding the EPLA negotiations.

UNICE urges the European Commission to take a more positive approach towards the work under way for the EPLA. EPLA is neither competition nor a threat to the Community Patent but only a development under the EPC which, according to the draft Community Patent Regulation itself, will remain available as a choice for applicants.