

BRIEFING
**Implement the reforms
for growth and jobs**

BUSINESSEUROPE



**II Adopt an effective
patent system**

BACKGROUND

An effective patent system is fundamental to boost innovation by providing business with incentives to invest in developing innovative products and facilitating knowledge. Europe remains ill-equipped to enhance its innovation capacity and has not yet fulfilled its promises to set up such a patent system.

The key challenges that need to be addressed are costs, quality and legal certainty. The entry into force of the London Agreement is a step forward to reduce translating costs for patents in Europe. Making use of the patent system less costly is particularly important for SMEs.

Europe also needs a common and independent patent jurisdiction that brings tangible improvements for companies compared with the current confusion of national systems. In addition, a unitary Community Patent is essential and must fully meet users' needs in terms of costs, quality and legal certainty.

What wants :

Widen membership of the London Agreement

Patent costs are particularly high in Europe compared to the US and Japan, and make access to the patent system difficult and unappealing for companies, especially SMEs. A European patent costs on average € 32,200 whereas a US patent costs € 10,250 and a Japanese patent € 5,460. The London Agreement will reduce translation costs for European patents by roughly 45% and bring substantial savings for all companies.

Following the entry into force of the London Agreement after France's ratification, BUSINESSEUROPE appeals to all remaining European countries to ratify it as well. The more countries accede to the Agreement, the more costs can be reduced in Europe.

Set up a common jurisdiction system to enforce patents

Today, patent disputes in Europe can be decided differently in different countries. This leads to more litigation, higher costs, inconsistency in decisions on the same subject-matter and greater legal uncertainty.

BUSINESSEUROPE calls for a common patent jurisdiction that delivers the highest quality, cost-effectiveness, legal certainty and reliability for companies.

Adopt a unitary Community Patent

BUSINESSEUROPE also calls for the creation of a unitary Community Patent for the whole EU. It is essential that the cost level for obtaining and maintaining a Community Patent is accessible for all companies, including SMEs. BUSINESSEUROPE also strongly supports the English-only solution for the Community Patent.