

SPEECH

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ELEMENTS FOR AN INTERVENTION BY PHILIPPE DE BUCK SECRETARY GENERAL OF BUSINESSEUROPE

INDUSTRY TRILATERAL DINNER 28 MAY 2007

Ladies and Gentlemen:

- I would like to welcome you all to tonight's Industry Trilateral dinner following a full-day meeting that I hope has been successful and productive.
- Besides welcoming our friends who have travelled from the US and Japan, I would like to welcome in particular the President of the European Patent Office (EPO), Ms Alison Brimelow together with the other high-level EPO representatives. I would also like to welcome Ms Mary Carman, CEO of the Canadian Intellectual Property Office and Ms Anne Joergensen, Director of International Affairs from the Danish Patent Office.
- Last but not least, I am also pleased to welcome Ms Margot Froehlinger, representing the European Commission, and one of the key players on the patent reform debate in Europe, who is also here with us tonight.
- It is BUSINESSEUROPE's firm conviction that a robust patent system is of key importance for Europe's innovation and competitiveness.
- Patents stimulate investments needed to develop and market new innovations, while at the same time disseminating technology and other knowledge to the benefit of all, including society at large.
- This became apparent a few weeks ago in Ljubljana, where the EPO awarded Europe's innovators for their significant contribution to improved quality of life and technical progress in Europe with the European Inventor of the Year awards for important inventions that included a ground-breaking antiviral treatment for AIDS, a pain-free eye-scanner and a robot designed to overhaul medical surgery.

- The European patent system has been a success story for companies in Europe. However, as you very well know Ms Brimelow it faces challenges of ever-growing numbers of patent applications, increasing backlogs and securing the quality standards of European patents in an increasingly inter-dependent global patent environment. This makes improvements necessary.
- We are certainly eager to discuss your ideas and plans for the continued growth and improved efficiency within the EPO, what you have called "Fit for the Future". We will be looking forward to your initiatives to engage in a dialogue with users as you have announced later on this year, in the context of the discussions within the Administrative Council of your organisation. For us, the key is quality of the procedures and the products that come out of the EPO.
- It is also imperative in our view that the patent reform debate in Europe focuses on quality, cost-effectiveness and legal certainty. BUSINESSEUROPE will fully support all efforts that will lead to a patent system with those fundamental elements.
- This is also why BUSINESSEUROPE applauded the recent entry into force of the London agreement that will be beneficial for all companies, in particular SMEs, in terms of cost reduction and we hope will give a positive impulse to the patent debate in Europe.
- It is BUSINESSEUROPE's strong conviction that any solution on a European common patent litigation system must bring real improvements for companies compared with the current situation. Any new European patent litigation system must deliver the highest quality, cost-effectiveness, efficiency, legal certainty and reliability.
- We also welcome the efforts on the Community Patent. A truly unitary Community Patent is necessary in order to boost Europe's innovation capacity. However, any new proposals on the Community Patent must in any case fully meet users' needs in terms of costs, quality and legal certainty. We will certainly continue working closely with the EU presidencies and the European Commission to achieve this.
- I hope that Ms Froehlinger will be able to tell us more and give us an update on the progress of the patent debate in Europe during the course of the evening.
- Of course, in a global world, solutions to problems that users face in Europe, Japan and US can only be found with joint forces. This is what prompted the creation of our Industry trilateral a few years ago as a common cooperation platform between US, Japanese and European industry.
- Our industry groups are strongly committed to defend and promote the value of intellectual property and are in a constant dialogue with their respective governmental representatives to ensure that the needs of users are reflected in any legislation on intellectual property.

- It is a great pleasure to see that this Industry Trilateral which began its life as a modest project is moving ahead with its work and has become a key interlocutor of the three Trilateral Patent Offices in the world, the European, the Japanese and the US Patent Offices.
- And it is also a great pleasure for us Ms Brimelow to see that our proposals are positively received by the Patent Offices as demonstrated by your decision to adopt our proposal for a common format to file patent applications as of next year. This decision will lead to important cost savings for users of the patent system globally. We are eager to work together with you on the next steps.
- This is the kind of progress that clearly reflects the aims of our cooperation to produce concrete deliverables that will relieve the pressures of the growing workloads of the Trilateral Offices and will benefit companies of all sizes by reducing costs, promoting legal certainty and shortening pendency periods.
- In this context, we hope that Ms Carman and Ms Joergensen will also share with us a few thoughts later on tonight on how the discussions to harmonise patent law are evolving.
- This is certainly an important exercise and BUSINESSEUROPE has always supported patent law harmonisation efforts for the benefit of the users of the patent system. However, any harmonisation needs to be truly international and we certainly hope that a satisfactory outcome could be achieved.
- Before concluding, I would like to stress the need to ensure effective enforcement of our intellectual property rights all over the world and deal effectively with the problem of piracy and counterfeiting. This is an issue of strategic importance for users in Europe, US and Japan. Developing countries urgently need to effectively deal with this growing scourge and implement the necessary measures at all levels. We work hard to make the value of intellectual property rights better understood also among the business communities in the developing countries, whose role is key in the fight against piracy and counterfeiting.
- We have high hopes that the new proposed Anti –Counterfeiting Trade Agreement (ACTA) will provide an adequate framework to strengthen our enforcement efforts. We welcome the launch of the negotiations on ACTA next week in Geneva. With the fight against counterfeiting and piracy being a priority at national, European and global level, we applaud the efforts of the ACTA negotiating countries to achieve solid and effective enforcement against IPR crime. We will certainly provide our input and proposals on how this needs to be framed in details.
- Let me conclude by stressing that from its inception, the Industry Trilateral has considered establishing a direct link with the Offices Trilateral as key priority. I hope that we can now move to a two-way partnership with the Trilateral Patent Offices on all priority issues that we face. We hope for instance that you can interact with our Industry Trilateral to test any new ideas or proposals and have a first reaction of the users before moving forward with those.

- Today's meeting has been a first step in a process. Your next meeting will be held in the Hague in November. We hope that we will maintain the good tradition of these last few years and have a direct and restricted contact with you so that we can continue discussing on how we can continue progressing on issues of common concern to both patent offices and users of the patent system.
- Let us use tonight's opportunity to close a full working day and continue our discussions in an open and less formal way.

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