



11 August 2020

## **BUSINESSEUROPE COMMENTS TO THE INTELLECTUAL PROPERTY ACTION PLAN ROADMAP**

BUSINESSEUROPE is the leading advocate for growth and competitiveness at European level, standing up for companies across the continent and actively campaigning on the issues that most influence their performance. We speak for all-sized enterprises in 35 European countries whose national business federations are our direct members.

BUSINESSEUROPE welcomes the Roadmap on the Intellectual Property Action Plan prepared by the European Commission (DG GROW) to build up an IP Strategy on the role of intellectual Property (IP) in the current challenging times, and covering concrete initiatives to improve the EU's IP framework.

A well-functioning IP framework is of paramount importance for our membership. A solid IP system is key for innovation, growth, competitiveness and job creation in Europe. European innovation is vital to ensure that the EU can maintain its global leading role in developing sustainable solutions to cope with current challenges, including the green transition and the digital transformation. The promotion of innovation and progress by means, among others, of an efficient IP framework and effective enforcement regime to address counterfeiting and other unlawful practices, together with a solid EU industrial strategy, would have the long term effect of strengthening innovative businesses in Europe and thus generate economic growth, which would certainly be needed for an economic recovery after the current COVID-19 crisis.

BUSINESSEUROPE is happy to contribute to this debate that will have an impact on the EU IP framework over the coming years.

BUSINESSEUROPE adopted its own IP Strategy for the next political cycle in September 2019, including our priorities and practical ideas in the field of IP.<sup>1</sup> We refer to this comprehensive IP Strategy paper and the proposals therein as BUSINESSEUROPE's contribution in shaping the IP initiatives for coming years and ensuring that IP stays high on the EU agenda. In this paper, we will limit ourselves to a number of targeted comments.

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<sup>1</sup> See BUSINESSEUROPE's position paper "Intellectual Property - Priorities for the next political cycle" of September 2019, available at <https://www.buinesseurope.eu/publications/intellectual-property-priorities-next-institutional-cycle>.



- **Upgrade of the IP framework**

BUSINESSEUROPE supports the proposal to upgrade the existing system for IP protection.

The entry into operation of the Unitary Patent system (including the Unitary Patent and the Unified Patent Court) remains the highest of our priorities as it would create a more simple and harmonised European system (a “one-stop” shop) to grant patents to our companies.<sup>2</sup> BUSINESSEUROPE has supported this ambitious project since the negotiations on the Agreement on a Unified Patent Court and on the EU Regulations on the Unitary Patent, and has recently upheld its messages.<sup>3</sup>

Our membership would also welcome the introduction of a fair and balanced unitary supplementary protection certificate (SPC); and a single application and grant procedure for generating a bundle of national SPCs.

The modernisation of the EU legislation on design protection is another priority: efficiency, suitability for the digital transformation and further harmonisation should be the way forward.

- **Better uptake and deployment of IP, in particular from SMEs**

BUSINESSEUROPE considers that Small and Medium-Sized Enterprises (SMEs) should be helped to reap the broadly accepted benefits of IP by putting more efforts on raising IP awareness and access to IP; enhancing access to skills, external advice and finance; supporting SME internationalisation and digital transformation; and enforcing IP rules. To achieve concrete results, there is a need to strengthen interaction between EU institutions, IP national offices, local, regional and national authorities, business associations and SMEs themselves.<sup>4</sup>

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<sup>2</sup> This position is not supported by the Spanish Confederation of Employers and Industries (CEOE), Confederação Empresarial de Portugal (CIP), the Confederation of Industry of the Czech Republic (SPCR) and MGYOSZ – BUSINESSHUNGARY.

<sup>3</sup> In this regard, see BUSINESSEUROPE’s position paper “European business urges for the rapid entry into force of the Unitary Patent System” of 17 February 2020, available at [https://www.businessseurope.eu/sites/buseur/files/media/position\\_papers/legal/2020-02-17\\_unitary\\_patent\\_system.pdf](https://www.businessseurope.eu/sites/buseur/files/media/position_papers/legal/2020-02-17_unitary_patent_system.pdf); BUSINESSEUROPE’s position paper “The rapid entry into operation of the Unitary Patent system is key for Europe”, of 22 April 2020, available at <https://www.businessseurope.eu/publications/rapid-entry-operation-unitary-patent-system-key-europe>, and the Joint statement by BUSINESSEUROPE, EUROCHAMBRES, orgalim and SMEunited “European business community calls for the rapid ratification and entry into operation of the European patent system”, of 16 July 2020, available at <https://www.businessseurope.eu/publications/european-business-community-calls-rapid-ratification-and-entry-operation-european>.

<sup>4</sup> On SMEs, see BUSINESSEUROPE’s “The new EU SME strategy: 50 actions to make it work”, of February 2020, available at <https://www.businessseurope.eu/publications/new-eu-sme-strategy-50-actions-make-it-work>.



- **Enforcement**

It is fundamental that the EU upholds and strengthens its commitment to fighting counterfeiting, unlawful transfer of technology and other illegal practices which ultimately deprive IP right holders of their legitimate rights. This fight should focus on effective means to tackle both traditional and online practices.

- **Promotion of a global level playing field**

BUSINESSEUROPE supports the EU's promotion of a solid global level playing field for IP protection and enforcement, which fosters innovation and expands economic opportunities.

EU businesses are facing intense competition from third-country competitors and need a level playing field, i.e. the same IP standards worldwide to apply. To ensure that this competition is fair, the EU should maintain a strong, high-quality and coherent IP strategy when it comes to discussing any bilateral trade agreements, as well as possible revisions of WTO rules. Strong and harmonised IP standards should be guaranteed in any attempts to reform bilateral and multilateral trade agreements.

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