



EU patent, slowly but surely

On March 2011, EU Patent system gets the go-ahead, and the enhanced cooperation procedure will be used. Said procedure allows groups of Member States to integrate policies further, even where others Member States do not agree. In short, it permits to avoid deadlock. Spain and Italy have chosen not to participate in the system because Italian and Spanish are not recognized as official languages. It seems that Italy, but also Spain might slowly abandon its resistance.

The EU patent package includes an EU regulation covering the Unitary Patent, its language regime and an international agreement on the Unified Patent Court. An EU patent will permit to obtain simpler, cheaper and more expedient patent for companies and individuals to get EU-wide protection for their inventions. EU patent will promote small and medium-sized enterprises (SMEs) innovation. Nowadays, it's ten times more expensive to obtain national patent than a US patent. Thus, the agreement is a major step for EU industry's competitiveness.

According to the Polish Presidency of the Council, "the compromise was broadly accepted in substance - but further work is still needed". After the Competitiveness council in Brussels on December 5, 2011, only the seat of the Central Division of the Unitary Patent Court needs to be decided. Three candidates compete for the seat of this main litigation court: Paris, the UK and Germany. The seat of the second Instance Court of Appeal will be in Luxembourg. Lisbon and Ljubljana are set for the seat of Arbitration and mediation center.

The legal Affairs Committee validated on the agreement on December 20, 2011. Next step before the agreement comes into force, it must be endorsed by the full Parliament, possibly during the plenary session in February.

To be follow...