



Parliament approves EU unitary patent rules

Plenary sessions [11-12-2012 - 13:00]

EU inventors will soon be able to get a unitary patent at last. After over 30 years of talks, a new regime will cut the cost of an EU patent by up to 80%, making it more competitive vis-à-vis the US and Japan. MEPs cut costs for small firms and tailored the regime to their needs, in a compromise deal with the Council endorsed by Parliament on Tuesday,

In three separate voting sessions, MEPs approved the so-called "EU patent package" (unitary patent, language regime and unified patent court).

"Intellectual property must not stop at borders. The path towards the introduction of the EU patent was long and troubled, but ultimately it has been worth the effort", said Bernhard Rapkay (S&D, DE), the lead MEP on the regulation setting up a unitary patent protection system, "Today's vote is good news for EU economy and especially for European small and medium enterprises (SMEs)", he added.

The current European patent regime "is effectively a tax on innovation" said Raffaele Baldassarre (EPP, IT), who led talks on the regime for translating EU patents. "Specific measures for SMEs to fully reimburse translation costs and ensure extra legal protection in the event of counterfeiting" were introduced on Parliament demand, he added.

Legal Affairs Committee Chair Klaus-Heiner Lehne (EPP, DE), who led on the international agreement setting up a unified patent court, said: "People in China are telling us that we cannot have a single market without a unitary patent". With the new rules "a lot of obstacles for SMEs will be overcome", he added.

Cheaper and more effective protection

The new patent will be cheaper and more effective than current systems in protecting the inventions of individuals and firms. The new regime will provide automatic unitary patent protection in all 25 participating member states, cutting costs for EU firms and hence boosting their competitiveness. When the new system is up to speed, an EU patent may cost just €4,725, compared to an average of €36,000 needed today, says the European Commission.

How to apply for the new patent?

Any inventor will be able to apply to the European Patent Organisation (EPO, a non-EU body) for an EU unitary patent valid in all 25 EU member states taking part. Patents will be made available in English, French and German. Applications will have to be made in English, German or French. If made in another language, they will have to be accompanied by a translation into one of these three languages.

How Parliament helped to reduce costs

Parliament ensured that translation costs will be fully reimbursed for EU-based small and medium-sized enterprises, non-profit organisations, universities and public research

Press release

organisations.

It also ensured that renewal fees, which account for a large share of total costs, will be set at a level that takes account of the special needs of small firms, so that they can benefit fully from lower costs.

Entry into force

The international agreement creating a unified patent court will enter into force on 1 January 2014 or after thirteen contracting states ratify it, provided that UK, France and Germany are among them. The other two acts would apply from 1 January 2014, or from the date when the international agreement enters into force, whichever is the latest. Spain and Italy are currently outside the new regime, but could decide to join in at any time.

The Rapkay report was approved by 484 votes to 164 with 35 abstentions.

The Baldassarre resolution was approved by 481 votes to 152 with 49 abstentions.

The Lehne report was approved by 483 votes to 161, with 38 abstentions.

For further details on how the system will work, please see our Q&A ([link to the right](#)).

Procedures: Co-decision (Ordinary Legislative Procedure) 1st reading (unitary patent), Consultation (language regime), non-legislative resolution (unified patent court)

Press conference: Tuesday, 11 December at 15:00

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