



EUROPEAN COMMISSION

## MEMO

Brussels, 29 June 2012

### **Commissioner Barnier welcomes the European Council's agreement on the seat of the Unified Patent Court – the final element in the patent package**

*"I am pleased that the Member States have reached the long-awaited agreement allowing for the achievement of our initiative on the European unitary patent. The compromise reached today is a decisive step towards the creation of a unitary patent and a common patent court in Europe.*

*The reform will create a simpler application process and considerably reduce the costs for obtaining patent protection. All future unitary patents will eventually be available in all official EU languages, thus ensuring the dissemination of knowledge and benefiting inventors. I hope that Spain and Italy will also join the new regime soon.*

*Europe is falling behind the US and China in number of patents granted. The new rules, once in place, will increase the potential for inventions and innovation within the European Single Market and reassert Europe's competitiveness. It is my hope and firm determination that the first unitary patent will be registered in 2014.*

*Today's agreement paves the way for the European Parliament to vote. I would like to acknowledge the excellent cooperation that we had with the European Parliament".*

### **Background**

Efforts to create a common patent applicable across all European countries have been made since the 1960s but for a number of reasons have never been successful.

In 2000 the European Commission made a proposal to create a Community Patent through a Regulation [now 'EU patent' under the Lisbon Treaty]. The aim was to provide for a single patent title applicable in all Member States. In 2003 Member States agreed a common political approach but failed to reach a final agreement, including over the details of the translation regime. Following a wide-scale consultation in 2006, the Commission produced a Communication in April 2007 which confirmed the commitment to the Community patent and re-launched negotiations in Member States.

In April 2011, the Commission tabled proposals on the creation of a European patent with unitary effect (or "unitary patent") in the framework of enhanced cooperation. The unitary patent will allow patent protection to be obtained for 25 Member States (all Member States except Italy and Spain) on the basis of a single application and without further administrative formalities, like validation and translation requirements, in the Member States. It will give inventors and companies access to the markets of 25 countries, i.e. 400 million customers at a vastly lower cost, with far fewer administrative hurdles to overcome.

The Unified Patent Court (UPC) will be created by an international agreement of the Member States and will be competent to handle disputes concerning both future unitary patents and current "classical" European patents. The UPC will be a single specialised patent court, with local and regional presence around the EU. Instead of parallel litigation in national courts, the parties will be able to get a swift and high quality decision for all states where the patent is valid.

After the political agreement reached at the Competitiveness Council in December 2011, the negotiations on the entire package had been stalled due to a disagreement on the location of the seat of the central division of the UPC. Today's compromise agreement places the seat of the UPC's Central Division in Paris. Specialised clusters of the UPC's central division will also be set up - one in London, the other in Munich.

This compromise should now allow the Council and European Parliament to take position as well as open the way to the signature of the international agreement on the UPC. The first unitary patents could be granted in April 2014.

When in place, a one-stop shop for obtaining a patent having immediate effect in most parts of the EU's territory, combined with a single specialised patent court ensuring the highest review standards will be created.

Next week, the European Parliament is set to examine the two legislative proposals put forward by the Commission in April 2011 (see [IP/11/470](#) and [MEMO/11/240](#)).

**More information:**

[http://ec.europa.eu/internal\\_market/indprop/patent/index\\_en.htm](http://ec.europa.eu/internal_market/indprop/patent/index_en.htm)