


Procedure file

Basic information		
INI - Own-initiative procedure	1998/2144(INI)	Procedure rejected
Introduction of a period of grace in national legislation on legal protection concerning inventions		
Subject 3.50.16 Industrial property, European patent, Community patent, design and pattern		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights	PSE ROTHLEY Willi	17/03/1998

Key events			
19/06/1998	Committee referral announced in Parliament		
20/01/1999	Vote in committee		Summary
24/02/1999	Debate in Parliament		Summary
25/02/1999	Decision by Parliament	A4-0037/1999	

Technical information	
Procedure reference	1998/2144(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure rejected
Committee dossier	JURI/4/10249

Documentation gateway				
Committee report tabled for plenary, single reading		A4-0037/1999 OJ C 150 28.05.1999, p. 0004	20/01/1999	EP

Introduction of a period of grace in national legislation on legal protection concerning inventions

A report by Willi ROTHLEY (PES, D) calling for the introduction of a grace period for inventions in national patent laws was adopted unanimously by the Committee. At present all EU Member States have a rule that where an invention has been made public before the patent application was filed with the appropriate patent office, the invention can no longer be patented. This is not the case in the United States, for example, where inventors are granted a grace period of one year after publication within which to file a patent claim. Mr Rothley's own-initiative report must be seen in the context of current efforts by the World Intellectual Property Organisation (WIPO) to secure worldwide harmonisation of patent law. It calls for the introduction of a grace period of 12 months in the patent laws of EU Member States on the ground that publication of information on an invention should not affect the patentability of that invention. ?

Introduction of a period of grace in national legislation on legal protection concerning inventions

The European Parliament has rejected the own-initiative report by Mr Willi Rothley (PSE, D) on the introduction of a grace period for innovations in national patent laws. The resolution was divested of its substance by the House's rejection of paragraph I.