Procedure file

Basic information

RSP - Resolutions on topical subjects	2006/2557(RSP)	Procedure completed
Resolution on future patent policy in Europe Subject 3.50.04 Innovation 3.50.16 Industrial property, European patent, Community patent, design and pattern		

Key players

European Parliament	

Key events

28/09/2006	Debate in Parliament		
12/10/2006	Results of vote in Parliament		
12/10/2006	Decision by Parliament	T6-0416/2006	Summary
12/10/2006	End of procedure in Parliament		

Technical information

Procedure reference	2006/2557(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 132-p2
Stage reached in procedure	Procedure completed

Documentation gateway

Motion for a resolution		B6-0522/2006	11/10/2006	EP	
Text adopted by Parliament, topical subjects		T6-0416/2006	12/10/2006	EP	Summary
Commission response to text adopted in plenary		SP(2006)5316-2	23/11/2006	EC	
Commission response to text adopted in plenary		SP(2006)5318	14/12/2006	EC	

Resolution on future patent policy in Europe

The European Parliament adopted a joint resolution, by 494 votes in favour, 109 against and 18 abstentions, on future patent policy in Europe. It urged the Commission to explore all possible ways of improving the patent and patent litigation systems in the EU, including participation in further discussions on the European Patent Litigation Agreement (EPLA) and accession to the Munich Convention, as well as revision of the Community patent proposals. As regards the EPLA, Parliament considered that the proposed text needed significant improvements, which addressed concerns about democratic control, judicial independence and litigation costs, and a satisfactory proposal for the Rules of Procedure of the EPLA Court.

It also asked Parliament's Legal Service to provide an interim opinion on EU-related aspects of the possible conclusion of the EPLA by Member States in the light of overlaps between the EPLA and the acquis communautaire and to clarify legislative competences in this field. The Commission was reminded that all legislative proposals should be accompanied by an in-depth impact analysis related to patent quality, governance of the patent system, judicial independence and litigation costs.

To recall, the Community Patent dossier is blocked in the Council for lack of agreement over the language regime, and the Commission has put forward the proposal of acceding EPLA. The EPLA would introduce a European Patent Court with jurisdiction to deal with infringement concerning European patents. The EC accession to the agreement would therefore allow the Court to rule over patents in all EU Member States.

Parliament stated that an efficient, competitive and cost-effective patent system accessible to all was a key requirement of the Lisbon strategy for a competitive, knowledge-based society and crucial for the thriving of small- and medium-sized enterprises as well as large companies. There had been growing concerns about undesirable patents in various fields and about a lack of democratic control over the processes by which such patents are granted, validated and enforced. However, Parliament felt that the deficiencies of the Community patent proposals are unlikely to be resolved in the foreseeable future.