

EU approves common patent rules (Update)

December 11 2012, by Raf Casert

The European Union approved a new common patent system on Tuesday designed to cut red tape and streamline patent procedures across much of Europe.

The European Parliament concluded the drawn-out decision-making process, backing a cluster of packages by a wide majority to end nearly four decades of fighting and negotiating over the issue.

Currently, patents are filed in individual EU nations, and ending the convoluted procedure is seen as key to reduce costs and boost innovation with cheaper patents.

"This is an historic agreement because it has taken us many decades to get here," said EU Internal Market Commissioner Michel Barnier.

On Tuesday, 25 of the EU's 27 members approved the new patent system on. But a majority of the member countries' parliaments—including Britain, France and Germany—must approve the plan for it to be implemented on Jan. 1, 2014.

Italy and Spain wanted to derail the decision right up to the last minute when they filed actions with the EU's highest court, but the advocate general told the judges on Tuesday his advice was to dismiss their pleas. The full court often follows such advice.

In a typical battle between national pride and the common objectives, the two nations insisted their languages were being discriminated against

since requests at the future European Patent Office will be processed in English, German or French.

"I hope that Spain and Italy will join this new regime as soon as possible," said Barnier.

Before that, the 27 member nations had argued about where the headquarters of the patent operation should be located and finally devised an intricate system in which three cities—Paris, London and Munich—would share the spoils.

Such a complicated system is not unheard of in the EU since its legislature now regularly has an expensive commute between Brussels and Strasbourg, France, several times a year.

Still, a common patent system, despite some flaws, should hold huge advantages over the national system as it exists now. Patents protect the rights of inventors and are seen as a key to fuel creativity and innovation.

EU officials said that the current complicated EU patent approval now costs about €36,000 (\$46,800) compared to some €1,800 (\$2,300) in the United States and some €600 (\$800) in China.

The U.N.'s World Intellectual Property Organization highlighted on Tuesday how the EU is lagging behind on patents.

China's patent office received 526,412 applications in 2011, ahead of the United States with 503,582 filings. In contrast, the European patent office had 142,793 applications in 2011, down 5.4 percent from 2010.

"One of the reasons for this difference is without a doubt the prohibitive cost and the complexity of obtaining patent protection," he said.

Under the new rules, patenting costs could come down by up to 80 percent once the system kicks in at the beginning of 2014, said Cecilia Wikstrom, of the ALDE liberal group in the European Parliament.

"A common European patent is key to strengthening Europe's competitiveness in a globalized world. We must be able to compete with the U.S, Japan and other developed countries," Wikstrom said.

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