Enhanced cooperation in the area of the creation of unitary patent protection

2010/0384(NLE) - 15/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 471 votes to 160, with 42 abstentions, a legislative resolution on the draft Council decision authorising enhanced cooperation in the area of the creation of unitary patent protection.

Parliament **gives its consent** to the draft Council decision, without prejudice to which are the participating Member States. It calls on the Council to adopt a decision pursuant to Article 333(2) of the Treaty on the Functioning of the European Union (TFEU) stipulating that, when it comes to the proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with respect to language arrangements for the European intellectual property rights pursuant to the second paragraph of Article 118 of the Treaty on the Functioning of the European Union, it will act under the **ordinary legislative procedure**.

The resolution underlines the creation of unitary patent protection for a group of Member States would improve the level of patent protection by making it possible to obtain uniform patent protection throughout the territories of the participating Member States and would eliminate the costs and complexity for those territories, thus fostering scientific and technological advances and the functioning of the internal market.

The Parliament considers that enhanced cooperation will facilitate the proper functioning of the internal market by: (i) eliminating obstacles to the free movement of goods; (ii) helping to tackle patent infringements; (iii) possibly increasing the number of inventors seeking patent protection throughout the Union, (iv) providing equal access to unitary patent protection to all inventors, innovative companies and patent-holders whether they come from participating Member States or non-participating Member States; (v) providing an additional instrument available to all patent-holders in the Union; (vi) improving the framework conditions for innovative businesses throughout the Union, and (vii) eliminating, among participating Member States, the current fragmentation where patent right ‘borders’ exist between Member States.