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

2011/0093(COD) - 27/06/2011

During a public session, the Council unanimously agreed on **general approaches** on two draft regulations implementing enhanced cooperation in the area of unitary patent protection.

The first proposal prescribes how patent holders can obtain European patents with unitary effect that ensures uniform protection for their invention and the second one contains the translation arrangements.

The Council authorised the launch of enhanced cooperation in the field of the creation of unitary patent protection on 10 March after having received the European Parliament's consent to the use of this procedure on 15 February. The enhanced cooperation is a procedure enshrined in the EU treaty that allows a group of countries to adopt new common rules when EU-wide agreement cannot be reached within a reasonable period of time.

The use of enhanced cooperation was requested by 25 out of 27 EU Member States with the aim of establishing a unitary patent that will be valid across the territory of the participating Member States.

All Member States except Italy and Spain were in favour of the use of enhanced cooperation. The main obstacle to the creation of a unitary patent valid throughout the EU (i.e. in all 27 Member States) is the lack of unanimity on the number of languages in which the future unitary patent will be valid, hence the recourse to enhanced cooperation.

Enhanced cooperation is open to non-participating countries, and access to the unitary patent on the territory of participating Member States will also be available to businesses from non-participating Member States.