An intellectual property action plan to support the EU’s recovery and resilience

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The European Parliament adopted by 454 votes to 94, with 23 abstentions, a resolution on an intellectual property action plan to support the EU’s recovery and resilience.

The COVID-19 pandemic has shown the importance of intellectual property protection policies since it illustrated the need for effective measures to address the shortage of vaccines against COVID-19.

Parliament supports the Commission in pursuing the objectives of its November 2020 IP action plan, as strong, balanced and robust intellectual property rights (IPR) protection at national, European and international levels is particularly important for the recovery from the pandemic. Members called on the Commission to support the ability of European businesses to innovate on the basis of a comprehensive intellectual property regime.

SMEs and intellectual property protection

Members highlighted that intellectual property rights have many benefits for small and medium-sized enterprises (SMEs) and micro-enterprises. It is noted that SMEs that own IPRs generate up to 68 % higher revenue per employee and pay wages that are 20 % higher than those in SMEs that do not. Members are concerned that many SMEs find it difficult to determine their own strategy and manage their IPR. They called on the Commission, the European Patent Office (EPO) and the European Union Intellectual Property Office (EUIPO) to develop new measures to **promote simple registration procedures and low administrative fees** for micro-enterprises and SMEs.

In the context of economic recovery, they called for the implementation of support measures for SMEs, including the provision of a one-stop shop for access to IP information, services and advice.

Unitary Patent package

The unitary patent package (UPP), which includes the European patent with unitary effect (unitary patent) and the Unified Patent Court (UPC), aims at making patent protection less costly, as well as making dispute settlement across Europe comprehensible, by avoiding parallel procedures in Member States, and less costly, by reducing legal costs, as well as more accessible and efficient, thereby enhancing legal certainty.

Members asked the participating Member States which have not yet done so, therefore, to move forward on the ratification of the Protocol to the Agreement on a Unified Patent Court on provisional application (PPA), as soon as possible.

Supplementary protection certificates

The supplementary protection certificate (SPC) regime within the EU, while of great practical relevance, suffers from fragmented implementation across the Member States. Members urged the Commission to issue **guidelines** for the Member States and to address this fragmentation, including by legislative proposals based on an exhaustive impact assessment.

Standard essential patents

Acknowledging the importance of a balanced licensing system for standard essential patents, Members insisted on the importance of **stable, efficient and fair rules** for this. It underlined that 'fair, reasonable and non-discriminatory terms' (FRAND) are vague legal terms that include legal uncertainty. The Commission is called on to monitor industry developments and provide more clarity on various aspects of FRAND as well as case law and including through designating an observatory (competence centre) for this purpose.

The Commission is called on to update the registration procedure to allow for **new forms of design**, such as graphical user interfaces, virtual and animated designs, fonts and icons, and those relevant following new developments and technologies.

Geographical indications

Around 3 300 products are protected by the EU as geographical indications (GIs) and the yearly value of all these products has increased to over EUR 75 billion.

Members consider that the issue of the administrative burden on producers in connection with the registration and management of GI and traditional specialities guaranteed product specifications should be a priority.

They consider it essential to protect intellectual property rights so as to promote research and innovation, in particular with a view to introducing **more resilient agricultural varieties** to cope with climate change and to establishing sustainable agro-ecological farming models.

The protection of plant variety rights is essential and requires a strong and enforceable protection system in the EU.

Parliament called for an EU-wide protection system for geographical indications for **non-agricultural products**, in particular as provision has already been made for this at international level.

Fighting intellectual property right infringements (IPR)

The resolution pointed out that counterfeit goods, such as, for example, counterfeit medicines or fake personal protective equipment or masks in the context of health crisis like the COVID-19 pandemic pose serious threats to the health and safety of EU citizens. Members also regretted the significant use of the internet for the distribution of counterfeit products, infringing content and IPR-infringing services, with significant adverse effects for EU manufacturing industry. They welcomed the fact that the Commission intends to come up with an **EU toolbox against counterfeiting** to improve cooperation between rights holders, public authorities, law enforcement authorities at national and EU level.

The Commission is called on to strengthen the **protection and enforcement of intellectual property rights in third countries**, including through increased funding for the EU's ongoing cooperation programmes with China, South East Asia and Latin America and the collective partnership with the African continent.

New challenges for IP policy-making

Parliament highlighted that intellectual property protection related to AI technologies is important and should be duly considered. It also recognised the high potential of **blockchain** technologies for the registration and protection of intellectual property rights and ensuring safety and securing every step against the dangers of counterfeiting at each level of the supply chain.