Community patent: establishing a Court, appeals before the Court of First Instance

2003/0324(COD) - 23/12/2003 - Legislative proposal

PURPOSE : to establish the Community Patent Court and concerning appeals before the Court of First Instance. PROPOSED ACT : Council Decision. CONTENT : this proposal aims to create a judicial panel, to be called "Community Patent Court", shall be attached to the Court of First Instance of the European Communities. Its seat shall be at the Court of First Instance. The present Decision relating to jurisdictional aspects of the Community patent system intends to redress the existing shortcomings of the current situation of patent protection in the Union. The objective is to establish Community wide patent protection which can be enforced before one single court operating to uniform standards. This objective can only be achieved at a Community level. The proposed Council Decision is part of the overall project to establish the Community patent system. By way of revision of the European Patent Convention and accession of the Community to the same, the European Patent Office shall be empowered to grant Community patents which will confer rights on their holders according to the regulation of the Council on the Community patent. Disputes concerning in particular the infringement and validity of these rights shall, after a transitional period, be brought before a Community jurisdiction. These measures shall reform the system of patent protection in Europe, which has been characterised by national patent titles enforceable before national courts, and make the necessary adaptations for the needs of European industry which increasingly operates trans-nationally within the common market. The measures are designed to increase the competitiveness of the Union's innovative industries by creating a Community wide uniform patent protection which can be enforced before a single Community jurisdiction rendering decisions with Community wide effect. Within this overall project, the objective of the present proposal is to establish a Community Patent Court for first instance Community patent litigation and to provide for the necessary provisions with a view to accommodating the new function of the Court of First Instance as appeal instance against decisions of the Community Patent Court. FINANCIAL IMPLICATIONS : - Total allocation for action (Part B): none; - Period of application : Start: 2009; - Overall financial impact of human resources and other administrative expenditure: - 2009 : EUR 3 257 000; - 2010 : EUR 7 115 000 - 2011 : EUR 10 472 000; - 2012 : EUR 11 606 000 - 2013 : EUR 12 740 000; - 2014 : EUR 13 982 000.