Protection of utility models in the single market. Green paper

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The committee unanimously adopted the report by Mr Julio ANOVEROS (PSE, E). The utility model is a right which can be registered and which grants exclusive protection for technical innovations with a certain degree of innovation. Utility models can be registered, are issued without prior examination and offer a better level of legal protection than patents. Utility models protect technical innovations, i.e. the final industrial form (while designs and models, it should be noted, protect the final aesthetic form). At present, there is no uniform utility model throughout Europe: it does not exist in Sweden, Luxembourg or the United Kingdom and is regulated in the other Member States but not in a uniform manner. At this pre-legislative stage of the procedure, the rapporteur has suggested that a regulation would be the most appropriate legal form. The Committee on Legal Affairs considered that future regulation of the utility model should allow for a lower level of inventiveness than patents and that it would be preferable to have a system in which a utility model can be defined by reference to a structure, form or configuration, which would imply excluding procedures and substances from its scope.