Protection of inventions by the utility model: approximating legal arrangements

1997/0356(COD) - 24/02/1999

A report by Julio AÑOVEROS TRIAS de BES (EPP, E) on a proposal for a Parliament and Council directive approximating the legal arrangements for the protection of inventions by utility model has been unanimously adopted under the co-decision procedure, first reading, by the Committee. At present inventions are usually protected by patents but the time taken to grant patents is too long, particularly nowadays when technology can change rapidly and products are placed on the market quickly. The utility model is a way of overcoming this problem for "minor" inventions, i.e. technical inventions or improvements of comparatively limited scope which make an existing product more useful than it was before. As in the case of patents, these technical inventions must have some novelty and a certain degree of inventiveness. However, there are two differences: the degree of inventiveness required is smaller and a thorough examination of the product's novelty or degree of inventiveness is not needed. The utility model thus allows new inventions to be protected within a shorter time-scale and at a lower cost. The duration of the protection is, however, shorter than for patents (10 years maximum for utility models). The Committee adopted all the amendments proposed by Mr Añoveros Trias de Bes and is thus calling for: - various measures to increase legal protection for utility models; - inventions involving computer programs to be covered by the "utility model" category; - a "one-stop shop" procedure to be introduced to facilitate applications for utility models and reduce the time taken to grant these models in more than one Member State; - lower fees for SMEs, individual inventors and universities applying for utility models.