Industrial property: Community patent

2000/0177(COD) - 19/02/2002

The committee adopted by a large majority the report by Ana PALACIO VALLELERSUNDI (EPP-ED, E) tabling a number of amendments to the proposal (under the consultation procedure) on the key issues, namely, the language arrangements, the judicial system and the role of national patent offices vis-à-vis the European Patent Office. On the language question, the committee recommended that the language regime should follow the example of the Community trademark regulation, under which applications may be submitted in any of the Community's official languages. However, the applicant would also have to indicate a second language (the ·procedural language·) from a choice of five (English, French, German, Italian and Spanish), the use of which he would accept for the proceedings (notably proceedings for opposition, revocation or invalidity). If the application were filed in a language other than the above five, the Office would arrange for it to be translated into the procedural language indicated by the applicant. Concerning the judicial system, whereas the Commission was proposing that jurisdiction at both first and the second instance should lie with a new Community intellectual property court, the committee would prefer first instance jurisdiction to be established at national level, using national courts with experience in patent litigation as Community Patent Courts, with rulings at second instance being given by the European Chamber for Intellectual Property. Lastly, the committee called on the Commission and the Council to ensure that national patent offices would continue to play an important role in the processing of the Community patent. In particular, the European Patent Office should be able to instruct the national offices to produce research reports on a limited number of patent applications provided they met the quality criteria previously agreed. Moreover, MEPs said that a system of quality control should be put in place under the authority of the European Commission in collaboration with the European Patent Office.