Protection of utility models in the single market. Green paper

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OBJECTIVE: the purpose of the Commission's Green Paper is to evaluate the need for action by the European Union in the area of the utility model and to propose various options, a decision on which may be taken by the Commission once it has received comments from the sectors concerned. CONTENT: the question of Community legislation in this area is important because: - the utility model is a means of legally protecting intellectual property and this protection plays an important role as part of the endeavour to strengthen the competitiveness and innovative capacity of European industry; - the EU has already legislated on other ways of protecting intellectual property (patents, additional protection for drugs, designs and models); - the discrepancies between national rules may cause distortions of competition, create trade barriers within the single market and discourage innovation. The Commission therefore feels that there is a need for Community action in the area of the utility model which aims to: protect short-lived technical inventions which represent minor technological progress, ensure protection is obtained quickly, provide a simple procedure for obtaining protection, provide cheap protection and publish rights promptly. The Commission does not come out in favour of a specific scheme and sets out several possible options in its Green Paper: 1) a directive which harmonizes national protection schemes and introduces a system of protection in Member States which still have no such system (e.g. United Kingdom, Sweden, Luxembourg). This would result in multiple national rights. These various rights would be limited to the territory of each Member State; 2) extending legislative harmonization to the mutual recognition of national protection by the Member States. This would give a procedure for obtaining cross-border protection in the European Union, while maintaining national rights and offices; 3) introducing regulations in order to create a system of Community protection which can be obtained from a single application to a joint office and is directly valid in all the Member States. The Commission does not exclude the possibility of combining harmonization of the national protection systems in a directive and creating a system of uniform protection in the form of a regulation.