Protection of utility models in the single market. Green paper

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In July 1995 the European Commission launched an exercise to consult interested parties in order to assess, on the basis of a number of possible options, the need for Community action in the field of utility models. Among the options put forward for a possible Community initiative in this field were the approximation of the national systems of protection and the creation of a Community system of protection. The first option received the support of most of the parties consulted, while there was only limited support for the second. Consequently, the Commission presented a proposal for a Directive approximating the legal arrangements for the protection of inventions by utility model. The Economic and Social Committee delivered its opinion on this proposal on 27 May 1998. The European Parliament adopted a legislative resolution on the proposal for a Directive on 12 March 1999, and the Commission presented an amended proposal for a Directive on 28 June 1999. Work on this amended proposal for a Directive has been suspended since March 2000, the majority of the Member States having considered that priority should be given to the Community patent. In its conclusions, the Stockholm European Council on 23 and 24 March 2001 expressed its concern at the lack of progress on the Community patent and the utility model and urged the Council and the Commission to speed up their work in accordance with the Lisbon and Feira conclusions, with all due regard to the existing legislative framework. As regards the amended proposal for a Directive, the situation remains unchanged compared with March 2000 and the suspension of work was recently confirmed. In order to give appropriate effect to the conclusions of the European Council, the Commission has suggested updating the information it obtained from the interested parties on the possible creation of a Community utility model. On 31 March 2001 the Internal Market Council welcomed the Commission's intention of quickly organising consultations with a view to drawing up a basic document taking a closer look at the possible impact of a Community utility model in legal, practical and economic terms. That is the purpose of this consultative document.