Protection of inventions by the utility model: approximating legal arrangements

1997/0356(COD) - 12/03/1999 - Text adopted by Parliament, 1st reading/single reading

In its first reading, the Parliament approved the Commission's proposal to provide an alternative to patents for minor inventions with a number of amendments. The Parliament's rapporteur was Mr. Anoveros Trias de Bes (EPP, Spain). The Parliament in its amendments showed its interest in facilitating applications for utility models and reducing the time taken to grant these models in more than one Member State by means of the introduction of a 'one-stop shopping' procedure. There were also some clarifications with respect to exceptions from the granting of utility models. The definition of an invention for the purposed of the Directive is also amended. The Parliament also introduces an opposition procedure to enable interested parties to oppose the granting of a utility model. Provision is also made in the Parliament's amendments for secondary application (i.e. 'in the absence of specific provisions applicable to utility models, these shall be governed by the provisions laid down for patents for invention provided they are not incompatible with the specialty of utility models'.) The Parliament also inserted an article whereby within three years of the transposition by the Member States of the provisions of this Directive, the Commission shall inform the Parliament and the Council of the results of its application and whether it should be adapted in order to safeguard, in the context of utility models, the proper functioning of the internal market and innovation by Community undertakings.