Promoting innovation through patents. Green Paper

1997/2148(COS) - 19/11/1998 - Text adopted by Parliament, single reading

In adopting the report by Mr Julio AÑOVEROS TRIAS DE BES (PPE, E), the European Parliament took the view that the Community patent should form the subject of a Community regulation which had Article 235 of the EC Treaty as its legal basis. It considered that the European Patent Office should be the technical operator of the Community patent, in cooperation with national authorities. With regard to language use, it considered that it should be possible to apply for a patent in any official language of the EU Member States. It called for national courts to have jurisdiction in patent infringement or revocation actions, for the substance of such cases to be examined by two national courts and for the European Court of Justice to be the court which heard appeals on points of law. The Community patent system should coexist with national patent systems. The national patent offices would continue to play the same role and to exercise the same powers as at present with regard to national and European patents; they had an essential role to play in the dissemination and promotion of the Community patent system, with particular reference to access by SMEs to that system. Parliament called for the fees paid by users to be made over to both the European Patent Office and the national patent offices and for the national offices to receive a percentage of the Community patent maintenance fees. It called on the Commission to establish a working group, with the task of preparing one or more models of legal expenses insurance for the field of patents in the EU. The amendments adopted in plenary included one calling for a 50% reduction in patent application fees for SMEs.