Basic information

1995/2225(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Protection of utility models in the single market. Green paper **Subject** 3.50.16 Industrial property, European patent, Community patent, design and pattern	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	AÑOVEROS TRIAS DE BES Julio (PPE)	06/09/1995

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	GASÒLIBA I BÖHM Carles-Alfred (ELDR)	26/09/1995

Council of the European Union

Key events

Date	Event	Reference	Summary
19/07/1995	Non-legislative basic document published	COM(1995)0370	Summary
18/09/1995	Committee referral announced in Parliament		
25/06/1996	Vote in committee		Summary
25/06/1996	Committee report tabled for plenary	A4-0216/1996	
21/10/1996	Debate in Parliament		
22/10/1996	End of procedure in Parliament		
18/11/1996	Final act published in Official Journal		

Technical information

Procedure reference	1995/2225(COS)
Procedure type	COS - Procedure on a strategy paper (historic)

Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/06961

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0216/1996 OJ C 211 22.07.1996, p. 0003	25/06/1996	
Text adopted by Parliament, single reading		T4-0510/1996 OJ C 347 18.11.1996, p. 0020-0040	22/10/1996	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1995)0370	19/07/1995	Summary
Follow-up document	SEC(2001)1307	26/07/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0408/1996 OJ C 174 17.06.1996, p. 0006	27/03/1996	Summary

Protection of utility models in the single market. Green paper

1995/2225(COS) - 19/07/1995 - Non-legislative basic document

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.

Protection of utility models in the single market. Green paper

1995/2225(COS) - 26/07/2001 - Follow-up document

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.

Protection of utility models in the single market. Green paper

1995/2225(COS) - 27/03/1996 - Economic and Social Committee: opinion, report

The Committee makes the following recommendations: - a further preventative analysis of protection systems complementary to the patent, to be described as "utility models" (UM), together with a more complete integration of available assessment data; special regard to be paid in this connection to weaknesses in the EU patent system, which is still seriously incomplete and disparate compared to its main competitors, the USA and Japan; - a guarantee, in case of future proposals for harmonizing the various national UM complementary protection systems, not only of measures for the harmonization of substantive laws, but also for procedures and timescales for obtaining and enforcing UMs; - the greatest attention to the need to provide firms - particularly SMEs - and research workers with a cheap, quick and easy assessment and enforcement method, i.e. one which excludes substances and processes from eligibility for protection; - a consistent, comprehensive approach to the whole range of instruments for the protection of industrial and intellectual property; any future harmonization measures for the UM should also take account of harmonization already carried out or planned for analogous protection rights; - a guarantee of eligibility for UMs for innovations which satisfy the following requirements: a) "absolute novelty"; b) "possibility of application in the industrial field"; c) "inventive step" (Art. 56 of the Convention on the European Patent) or which have a practical industrial advantage over the previous state of the art; - assurance that the scope of protection must emerge clearly from a limited number of "claims" and that the search for earlier "state of the art" be optional in general, and compulsory for those wishing to enforce MU rights vis-à-vis a third party; - investigation into the feasibility of active assistance and advice in respect of national UM deposit and registration procedures being provided for firms - particularly SMEs - by a central Community or European agency; and investigation of the scope for application of computer digital language to the European patent system; - deferral of any measures for mutual recognition until substantive and interpretative harmonization has taken place; - a feasibility study on creation of a Community UM covering the whole of Europe, but only when the above-mentioned harmonization and mutual recognition are in place, and following a thorough examination of the uniformity of practical implementation, and of the ways in which digital language might be exploited in the European patent system.

Protection of utility models in the single market. Green paper

1995/2225(COS) - 22/10/1996 - Text adopted by Parliament, single reading

In adopting the report by Mr Julio Anoveros TRIAS DE BES (PPE, E), Parliament welcomed the Commission's Green Paper and considered that the utility model is an appropriate form of protection, especially for SMUs that in many cases cannot afford the long and costly procedure of patenting. It called for a regulation laying down rules for the European utility model. It believed that the future regulation governing utility models should allow for a lower level of inventiveness than patents. Finally, it considered that it would be preferable to have a system in which a utility model can be defined by reference to a structure, form or configuration, which would imply excluding procedures and substances from its scope.