Basic information

1997/2148(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Promoting innovation through patents. Green Paper **Subject** 3.50.04 Innovation 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)	02/09/1997

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	GASÒLIBA I BÖHM Carles-Alfred (ELDR)	29/10/1997
ENER Research, Technological Development and Energy	HEINISCH Renate Charlotte (PPE)	04/09/1997

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2051	1997-11-27

Key events

Date	Event	Reference	Summary
24/06/1997	Non-legislative basic document published	COM(1997)0314	Summary
14/07/1997	Committee referral announced in Parliament		
27/11/1997	Debate in Council		
28/10/1998	Vote in committee		Summary
28/10/1998	Committee report tabled for plenary	A4-0384/1998	
17/11/1998	Debate in Parliament		
19/11/1998	End of procedure in Parliament		

07/12/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/2148(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/4/09060

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0384/1998 OJ C 359 23.11.1998, p. 0004	28/10/1998	
Text adopted by Parliament, single reading		T4-0689/1998 OJ C 379 07.12.1998, p. 0136-0268	19/11/1998	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1997)0314	24/06/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0282/1998 OJ C 129 27.04.1998, p. 0008	25/02/1998	

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.

Promoting innovation through patents. Green Paper

1997/2148(COS) - 24/06/1997 - Non-legislative basic document

OBJECTIVE: the Commission's Green Paper pursues three objectives: - to provide a full picture of the situation as regards the protection of innovation by the patent system in the European Union; - to examine whether new Community measures are necessary and/or whether existing arrangements need to be adjusted; - to consider what these new measures could involve and which form they could take. SUBSTANCE: the patent occupies a central position among the various means available for the protection of innovation. However, in the Commission's view, the EU's current patent system presents three major drawbacks: it has become complex (with the existence side-by-side of the national patent, the European patent and the Community patent), it is costly, and it does not provide uniform protection in all Member States. With this in mind, the Green Paper asks whether, and to what extent, the parties concerned would be prepared to use a Community patent system established by a regulation based on Article 235 of the EC Treaty rather than by an intergovernmental agreement such as the 1975 Luxembourg Convention or the Agreement relating to Community Patents signed in 1989 (which were not ratified by all Member States and never entered into force). Such an arrangement would provide users with an accessible, legally reliable system at a reasonable cost. A number of further technical questions must be considered in connection with the future of the Community patent. First of all there is the matter of the further harmonization needed at Community level in respect of certain aspects of patent law, such as the impact of the information society and electronic commerce on inventions relating to software. Employees' inventions, the use of patent agents and recognition of professional qualifications are among the other aspects of patent law raised in the Green Paper, which also poses the question of the need for Community harmonization in these areas. Finally, the Green Paper looks at how the system of fees for patents could be brought into line with the services provided without discouraging the protection of innovation. The consultation process is due to end in November 1997 with the organization, under the Luxembourg Presidency, of a hearing involving the interested parties in order to examine in more detail the most important points which have emerged from discussions.