



“The voice of SMEs in Europe”

Press Release

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More policy efforts are needed on the European patent system

- **Actions required on information, translation and litigation costs**
- **European Community Patent excluding software patentability still the optimal solution**

Brussels, 9 November 2006. The European patent system must be seriously improved as it is currently hampering rather than promoting innovation in the EU, according to UEAPME, the European SME employers' organisation. Speaking at a workshop organised by the European Parliament's Scientific and Technological Options Assessment office (STOA) today (Thursday) on “Policy options for the European patent system”, UEAPME Secretary General **Hans-Werner Müller** stressed the need for a proactive EU patent policy, aiming at a European Community Patent to maintain and strengthen small businesses' innovation capacity.

Under the current rules, the same invention can be subject to up to 31 different legal systems, making it almost impossible for an SME to protect its interests in case of a patent breach. Furthermore, a number of technical issues hamper SMEs' capability to request patents. First of all, patent-related costs for filing, translation and assistance are beyond SMEs' means. Secondly, Mr Müller pointed out the existing lack of information and know-how on patents.

“Patents are an essential instrument to preserve intellectual and industrial property rights. Favourable conditions for patent protection are therefore essential for small enterprises to develop and expand their business”, said Mr Müller. “The current European system, with its high costs and legal uncertainties, is far from guaranteeing these conditions.”

Regarding patent-related costs, Mr Müller singled out translation and litigation as two key issues demanding prompt action. As far as translation expenses are concerned, the number of languages in which a patent can be filed should be reduced, ideally to English only. Failing that, the existing London protocol waiving requirements for European patent translations could become a workable alternative. Litigation fees could be reduced by adopting a two-tier legal system with local courts of first instance and a centralised appeal court as foreseen by the European Patent Litigation Agreement (EPLA).

According to UEAPME, however, none of the above measures can be seen as an alternative to a full-fledged European Community Patent, with a sound and simplified filing system, effective litigation procedures and a clear scope for action.

Mr Müller also insisted on UEAPME's strong opposition to software patents, which would reinforce monopolisation in the software sector and stymie innovation by small ICT businesses, ultimately acting as a barrier to progress. “The vote at the European Parliament last year clearly showed that software must stay outside the scope of patentability”, continued Mr Müller.

“All policymakers, both at national and EU level, must work towards a practical European patent system if they are serious about fostering innovation and creating growth and jobs in Europe. We believe that all stakeholders should be part of this process to make it really effective, and we are ready to collaborate to this end with the relevant institutions”, he concluded.

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EDITORS' NOTE: UEAPME is the employer's organisation representing crafts, trades and SMEs from the EU and accession countries at European level. UEAPME has 81 member organisations, which represent crafts and SMEs across Europe, covering over 11 million enterprises with 50 million employees. UEAPME is a European Social Partner.

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