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Texts adopted by Parliament

Thursday, 12 October 2006 - Brussels

Provisional edition

Future action in the field of patents

Parliament resolution on future patents in Europe

The European Parliament

!- having regard to the Commission's Green Paper of 24 June 1997 On the Community patent and the patent system in Europe" Promoting innovation through patents (COM(1997)0314),

- having regard to Directive 981441EC of the European Parliament and of the Council of 6 July 1998 On the legal protection of biotechnological inventions(1)

- having regard to its resolution of 26 October 2005 on patents on biotechnological inventions(2) ,

- having regard to the consultation launched by the Commission on 9 January 2006 on future patent policy in Europe,

- having regard to Rule 103(2) of Its Rules of Procedure,

A whereas the deficiencies of the Community patent proposals are unlikely to be resolved in the foreseeable future,

B whereas an efficient competitive and cost-effective patent system accessible to all is a key requirement of the Lisbon strategy for a competitive, knowledge-based society and crucial for the thriving of small- and medium-sized enterprises as well as large companies,

C whereas there have been growing concerns about undesirable patents in various fields and about a lack of democratic control over the processes by which such patents are granted, validated and enforced,

1 Urges the Commission to explore all possible ways of improving the patent and patent litigation systems in the EU, including participation in further discussions on the European Patent Litigation Agreement (EPLA) and accession to the Munich Convention, as well as revision of the Community patent proposals; as regards the EPLA, considers that the proposed text needs significant improvements which address concerns about democratic control, judicial independence and litigation costs and a satisfactory proposal for the Rules of Procedure of the EPLA Court;

2 Reminds the Commission that all legislative proposals should be accompanied by an in-depth impact analysis related to patent quality, governance of the patent system, judicial independence and litigation costs;

3 Requests that Parliament's legal Service be asked to provide an interim opinion on EU-related aspects of the possible conclusion of the EPLA by Member States in the light of overlaps between the EPLA and the *acquis communautaire* and to clarify legislative competences in this field;

4 Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States

(1) OJ L 213 307/1998 P 13

(2) Texts Adopted P6_TA(2005)0407