

Community patent

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Screening process
Explanatory meeting with Croatia and Turkey
7 February, 2006

Council Resolution of 15 December 1975

- COUNCIL RESOLUTION on the Convention for the European patent for the common market
- Council resolved that all Member States should become parties to the Luxembourg Convention and take all such measures as may be necessary to ensure its implementation.

Council Resolution of 15 December 1975

- Luxembourg Convention is a special arrangement under Part IX of the European Patent Convention (1973)
- Inter-Governmental nature
- To date only 6 or 7 Member States have ratified
- Did not enter into force (quorum of ratifications not reached)

Agreement relating to Community patents (1989)

- Attempt to revive the project
- Failed again (high translation costs, lack of legal certainty)

The implementing regulations (1989)

- **41989A0695(02)**
Implementing Regulations to the Convention for the European patent for the common market
- No need for action until entry into force of the Luxembourg Convention

Community patent (since 2000)

- Proposal for a Community patent Regulation (2000)
- (informal) Proposal on the revision of the EPC (2001)
- Proposal for a Council Decision conferring jurisdiction on the Court of Justice (2003)
- Proposal for a Council Decision establishing the Community Patent Court and concerning appeals before the Court of First Instance (2003)

The European Patent Convention 1973/2000

- Fruit of the early efforts aimed at the creation of a Community patent
- Common patent application and grant procedures at European level
- Bundle patent (split after grant)
- De facto Community acquis

The European Patent Convention 1973/2000

- All current 25 EU MS are EPC contracting parties
- Accession States and candidate States are required to adhere to both the PCT and the EPC
- TR is already EPO signatory, HR is extension State

Consultation on future patent policy in Europe

- Consultation on future patent policy in Europe (16 January 2006)
- Stakeholders are invited to submit their contributions by 31 March 2006
- Feedback will form the basis for a hearing which shall take place in Brussels on 13 June 2006

Consultation on future patent policy in Europe

- consultation focuses on three major issues:
 1. the Community patent;
 2. how the current patent system in Europe could be improved;
 3. and possible areas for harmonisation

Consultation on future patent policy in Europe

- Work on Community patent continues
- Legal framework for jurisdiction over patent disputes is another area of particular interest
- Approximation of national patent laws or mutual recognition of national patents?