

Unitary Patent Court first birthday – no cause to celebrate

It is one year today since 24 EU Member States signed an intergovernmental agreement to create a European patent court. So far, only Austria and Malta have ratified the agreement, while France and Belgium are finalising the ratification process. This is still way far from reaching the minimum threshold of 13 ratifying countries.

“One year ago, businesses thought they would be able to apply for a unitary patent title in 2014. Today, we understand that the unitary patent will be postponed for at least one more year and that the protection scope will be limited to a smaller number of Member States than expected”, commented Arnaldo Abruzzini, Secretary General of EUROCHAMBRES.

While EUROCHAMBRES hopes that all 24 signatory countries will ratify the treaty, some have more economic impact than others: the EU’s top ten patenting countries are Germany, France, United Kingdom, Netherlands, Italy, Sweden, Finland, Spain, Belgium and Austria. The full benefit of modernisation of the European patent system can only, however, be realised if all 28 countries in the single market - including Croatia, Italy, Poland and Spain - join the club, so this must be the ultimate goal.

Absence of European patent costs €425,000 per day*

EUROCHAMBRES has estimated that the absence of a European patent costs €425,000 per day to the European economy in administrative burdens alone.

“Even without factoring in the economic boost that a harmonised system of IP protection would bring, it is clear that a European patent will cut costs for the innovative, international businesses that can drive our recovery and growth. It is absurd therefore that the ratification process is blocked by analysis of the cost and benefits of the new system on the national patent administrations”, Mr Abruzzini added.

EUROCHAMBRES urges Member States to speed up the ratification process of the Unitary Patent Court agreement and to attach more importance to the costs and benefits for the real economy than for public administrations.

*The calculation is based on figures published in the European Commission’s impact assessment related to the creation of the unitary patent (13.04.2011).

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