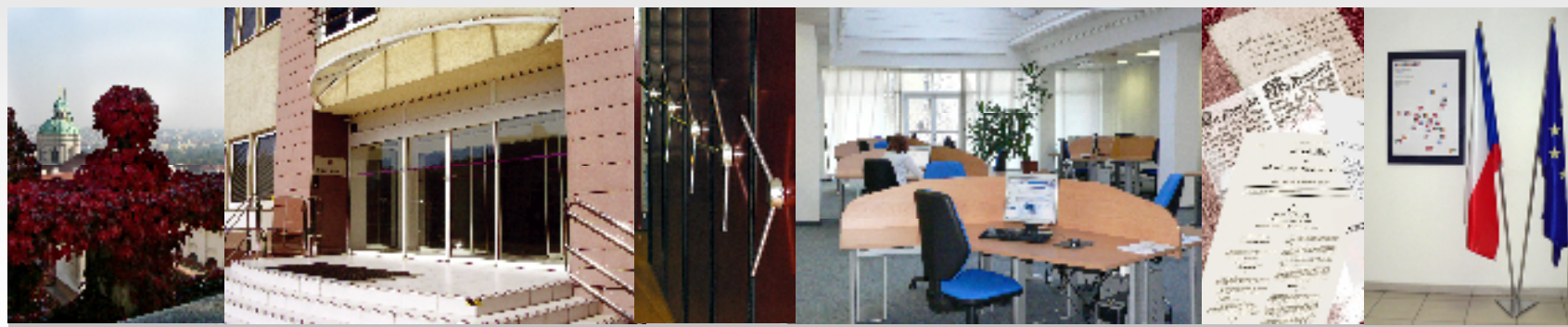


The EU Patent: the CZ PRES experience and contribution

Intellectual Property Rights Protection in Europe

Světlana Kopecká

Belgrade, November 15, 2010



INDUSTRIAL PROPERTY OFFICE OF THE CZECH REPUBLIC



The CZ PRES of the Council of the EU

- January – June 2009
- The main topic in the area of IPRs: the EU patent

European Patent

- Granted by the European Patent Office
- A bundle of national patents
- Advantages: flexibility
- Limitations: translation costs, enforcement

The unitary EU patent

- 1975 – Community Patent Convention
- 1989 – Agreement relating to Community Patents
- 2000 - Draft Community Patent Regulation and the proposal for a Council Decision establishing the Community Patent Court
- 2003 – Common Political Approach
- 2007 – Communication „Enhancing the Patent System in Europe“

CZ PRES

- **Economic aspects** of the EU Patent and of the judiciary
- Cooperation and involvement of the **national patent offices** within the framework of the future EU Patent
- **European and EU Patents Court System**

EU Patent

- June 2009
 - Draft Agreement on the European and EU Patents Court sent to the ECJ for opinion

- December 2009
 - The Council Conclusions on an enhanced Patent System in Europe and an approach on the EU Patent Regulation

- July 2010
 - The Commission's proposal on translation arrangements for EU Patents

Translation arrangements

- EU Patents examined and granted in one of the official languages of the EPO
- Translations of the claims into the other two EPO official languages
- No further translations into other languages

Translation arrangements

Accompanying measures

- High quality machine translations of EU patents into all official languages of the EU
- Costs for the translation into the language of proceedings of the EPO eligible for reimbursement

Translation arrangements

New elements (BE PRES)

Transitional period

- for EU patents not granted in English
 - a translation into this language would have to be provided by the applicant
- for EU patents granted in English
 - a translation into one other EU official language at the choice of the applicant would have to be provided

Protection of bona fide third parties



**Thank you
for your attention !**

