



“The voice of SMEs in Europe”

Press Release

FOR IMMEDIATE RELEASE

SMEs need a tailored and pro-active European patent policy

Brussels, 3 May 2006. More efforts are needed to achieve a workable Community patent as current procedures are not appropriate for SMEs, according to UEAPME, the European SME employers' organisation. Speaking at the “European Inventor of the Year” conference today (Wednesday), UEAPME Secretary General **Hans-Werner Müller** outlined the main obstacles faced by SMEs wanting to protect their intellectual property rights in the EU. He also suggested a number of measures that would help SMEs make the most out of patents' use and fully realise their innovation potential in the EU internal market.

“Favourable conditions for achieving patent protection are vital for SMEs to develop and expand their businesses. Unfortunately, the existing national patent systems are too limited and inadequate for modern SMEs, as they protect inventions only in one specific country”, said Mr Müller. “Under the current European Patent System, on the other hand, patents are still subject to the laws of each country where the invention is protected, after the unified granting procedure. A well-crafted Community patent would overcome the limits of both systems, and it is now time to bring this proposal back on the EU agenda after the past difficulties.”

SMEs face several problems that greatly hamper their capability to file a patent request. Firstly, most SMEs do not have a sufficient amount of information and know-how of the patent system. Secondly, due to their limited size, SMEs need to refer to pricey external experts, as it is obvious that “do-it-yourself” applications would never be successful. Thirdly, translation costs, both before and after filing a European Patent application, are often unbearable for SMEs. Finally, lengthy and expensive litigation procedures may entail unbearable costs for hiring lawyers and patent attorneys.

“We believe that national patent offices should play an active role in supporting SMEs at state level and in their own language, particularly concerning information about patent applications”, continued Mr Müller. “Translation costs should be reduced by limiting the number of languages in applications, ideally to one language only, be it English or the state language. Litigation costs should also be cut by introducing a centralised court system, with local Courts of First Instance co-existing with a European Patent Court, as foreseen by the European Patent Litigation Agreement (EPLA).”

UEAPME also suggested the launch of an information campaign to reinforce enterprises' knowledge and make them aware of the economic advantages arising from an appropriate use of patents, such as foreign markets penetration, licensing possibilities and the transformation of research results into commercial successes. “A pro-active European patent policy must be launched rapidly to maintain and strengthen the innovation potential of Europe's SMEs, micro-businesses and craft enterprises. Such a system would imply less filing expenses and litigation costs, reduced risks of diverging Court decisions, and increased legal certainty for all”, concluded Mr Müller.

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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 78 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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