

**WRITTEN QUESTION No. 2541/96 by Amedeo AMADEO to the Commission. Green Paper on utility models and utility models on the internal market**

*Official Journal C 072 , 07/03/1997 P. 0055*

WRITTEN QUESTION E-2541/96 by Amedeo Amadeo (NI) to the Commission (8 October 1996)

Subject: Green Paper on utility models and utility models on the internal market

Simple, easily-understood rules for operators are conducive to innovation, since they ensure that inventions are properly protected, that competitors are informed of the latest technical developments, and that the inventions thus protected are published. This helps to boost the competitiveness of European undertakings and enables progress to be made towards the primary goals of the internal market, namely, freedom of movement for goods and distortion-free competition.

Would the Commission agree that it should consider the feasibility of a centralized Community or European body providing assistance, advice and support to undertakings, particularly SMEs, in connection with the procedures used at national level for the filing and registering of utility models, and of digital computer languages being used in the patents system?

Joint answer to Written Questions E-2541/96, E-2542/96 and E-2543/96 given by Mr Monti on behalf of the Commission (30 October 1996)

The Commission shares the Honourable Member's view that rules which are simple and easily understood by users promote innovation, provide suitable protection for inventions and help to ensure that inventions are published. In July 1995 the Commission published a Green Paper on the protection of utility models in the single market. ((COM(95) 370. )) This was followed by wide-ranging consultations of interested parties and in October 1996 Parliament adopted the Añoveros Trias de Bes report on the subject. Before putting forward a legislative proposal on utility models, the Commission is planning on holding further contacts, in particular with representatives of the industries most closely concerned by technical innovation. It is in this context that the question of the information to be provided to business and industry on utility models will be approached. By virtue of the subsidiarity principle, however, a Community body is not necessarily best placed to meet the needs of businesses, which often voice concerns of a national, regional or local nature.

The Commission is familiar with the suggestions the Honourable Member has put forward regarding the content of a possible future legislative proposal on utility models. It has already expressed its support for those suggestions - in particular before committees of the Parliament - during talks on the adoption of the Añoveros Trias de Bes report.

The Commission notes that the European patents system is, to a large extent, harmonized. The fact that every Member State has acceded to the 1973 Munich Convention on the European patent and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) has led to significant alignment of national patent laws. Nevertheless, as pointed out in the Green Paper on the protection of utility models in the single market, the Commission is looking into the possibility of supplementing the patents system through the introduction of specific legislation on utility models, since these often provide a quick and flexible means of protecting technical inventions.