

**WRITTEN QUESTION No. 2543/96 by Amedeo AMADEO to the Commission. Utility models**

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WRITTEN QUESTION E-2543/96 by Amedeo Amadeo (NI) to the Commission (8 October 1996)

Subject: Utility models

Utility models are registered rights which guarantee exclusive protection for technical inventions. As is the case with patents, in order to qualify for protection, such inventions must meet the novelty requirement and display a given degree of inventiveness (often less than that required for patents). Unlike patents, however, utility models are issued without any prior verification of their novelty or degree of inventiveness. They may therefore be obtained more quickly and cheaply than patents, but afford a lesser degree of legal certainty. Legal protection of utility models is currently provided at national level only.

Does the Commission not feel that it might be useful to flesh out the forms of protection currently existing alongside patents (known as 'utility models') by integrating more fully the assessment criteria established to date and reviewing them in the light of the shortcomings of the EU's patents system, which remains extremely incomplete and heterogeneous when compared to those of the EU's main rivals, the USA and Japan?

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.