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Response to Questionnaire on the patent system in Europe

We, the Association of Patent Attorneys in Swedish Industry (SIPF) would like to submit the following comments to the questionnaire.

Some general remarks

We fully support the answers given by the Confederation of Swedish Enterprise ("Svenskt Näringsliv") in their response a copy of which we hereby include for reference purposes.

We note that the European Commission has addressed in its questionnaire two principal patent conventions of the seventieths of the last century, i.e. the EPC from 1973 and the CPC from 1975.. While the EPC went into force already 1978, we are still waiting for CPC.

EPC has developed into a well functioning system for grant of European patents, and the now suggested implementation of the EPLA regime is welcomed as a logical next step in the right direction regarding the litigation area. However, in the long term run European industry needs both the existing EPC and the CPC provided the CPC system is designed according to the needs of the European industry as outlined in the above mentioned response of Svenskt Näringsliv. In our opinion the March '03 agreement is not a feasible approach for such a CPC system and should be reviewed. Further, we would appreciate if the importance of a quick finalization of the ratification process of the London Agreement could be addressed to those EPC contracting states which have not ratified the Agreement yet (particularly France whose ratification is needed for the Agreement to come into force).

Finally SIPF would like to stress the importance of quality of the search and examination of patent applications, of the application of a consistent and reasonable level of inventive step, and of the Commission's active support of the global harmonization work done by the SPLT of WIPO.

For SIPF
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