



DG Competition

Organisation for erhvervslivet
Confederation of Danish Industry

Pharmaceutical Sector Inquiry – Preliminary Report

Confederation of Danish Industry (DI) has taken note of the preliminary report on the pharmaceutical sector inquiry on 28 November 2008 by DG Competition.

DI is a private organisation currently funded, owned and managed entirely by 11,000 companies within the manufacturing, trade and service industry in Denmark.

DI has always been a very strong supporter of public enforcement of the EU anti-trust rules and a firm believer that companies that infringe the rules must be pursued by the competent authorities. At the same time, it must be remembered that protection and marketing of products are essential to all our high technology industries. In this connection, it is important to have a strong and effective patent system in Europe.

In the preliminary report, DG Competition has identified a so called “tool-box” of instruments aimed at ensuring continuous revenue streams for their products.

The effective enforcement through patent litigation, patent settlements and marketing of next generation technologies has high priority for many of our high technology industries and is important in order to avoid the over-flooding of low-quality patents.

Furthermore, patent portfolios are a necessary part of competition among innovative companies that rely on very complex patented inventions. The large investments in R&D naturally result in growing patent portfolios among the most innovative companies.

Without these instruments in the patent system, European industry risks a severe weakening of the intellectual property rights protection that is necessary to bring new innovative products into the market.

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These instruments are therefore in our opinion not just lawful and important in relation to the intellectual property system, but also in relation to promotion of pro-competitive practices in the innovative industry.

Should the final report illustrate any practical inconveniences in the patent system in regard to the competition rules, we are of course interested in discussing solutions with DG Competition.

Finally, DI supports the urgent need for a political agreement among Member States on setting up a common European Patent Court and a Community Patent.

We welcome the further dialogue with DG Competition and thank in advance for taking our views into consideration.

Yours sincerely,



Kim Haggren
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