

Public Hearing on Future Patent
Policy in Europe.
Brussels
12 July 2006

**Intervention of the Spanish representative of the Colegio Oficial
de Agentes de la Propiedad Industrial – Spain**

Merçi Mme la Presidente, Ladies and Gentlemen,

Very few words have been said up to now about one of the drawbacks of the 3 projects, London Protocol, EPLA and Community Patent. This drawback is the differentiation that can result amongst citizens of Europe.

The Spanish Association of Patent Attorneys thinks that the European Commission should lead a campaign in favour of ensuring, for any future patent system, a fair balance among all citizens of Europe.

We maintain that, also in this area of Patents, the European citizens should be treated on the basis of equality, on the basis of Article 21 of the Treaty of Nice which lays down the following: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political opinion, birth, disability, age or sexual orientation shall be prohibited”.

So, in this regard, it would be a contradiction to establish 2 different classes of citizens. We maintain that it would be a contradiction for one European citizen to be able to say to another European citizen:

“I am a 1st class citizen and you are a 2nd class citizen. Therefore, you have to respect my patent right, written in my language which you do not understand, and I can enter into your garden and exploit my invention just as I please and if you were to do the same or something which, because you did not understand it properly, might be equivalent, I would be able to stop your action I could force you to compensate me for damages and I could even, depending on your country, have you sent to jail.

You, on the other hand, as a 2nd class citizen, cannot do this with a patent written in your language, but you have to put your patent into one of the 3 languages privileged by the European System, one of which is my language”.

My question is : Does the Commission think it is wise to draw up a full new patent system in Europe on the basis of this kind of unfairness?

Dear Mme la Presidente, Ladies and Gentlemen, thank you for your kind attention.

Enrique Armijo