

**SCRIPT (FINAL) for the EU hearing on future patent policy on the topic of Mutual Recognition and Harmonization - Brussels - 12 July 2006**

OPENING REMARKS AND THANKS

- QUALCOMM, would like to thank the European Commission for organizing this public hearing and having invited us to intervene in this important debate for innovators.
- QUALCOMM, a leader in developing, delivering and enabling innovative digital wireless products and services, strongly believes that adequate protection and reward for IPRs based upon free market valuation principles provide an incentive to innovation which is the growth engine of the ICT economy as well as one of the goals of the Lisbon Agenda.
- QUALCOMM presently files a large number of EPO patent applications annually and consequently validates the granted EPO patents in many European national countries, making it a very experienced user of the EPO system.
- We believe a patent system that provides for a single patent, preferably in the English language, granted by a centralised Examining agency which is effective in every European country would provide many benefits. We believe that centralised patent courts of first instance and appeals, all operating under the same case law, will provide predictability and reduced costs for a company to do business, thereby encouraging expenditures for R&D.
- With this background, we believe that further harmonisation of the substantive patent laws and the mutual recognition by patent offices of patents granted by another EU member state are not worthwhile endeavours.

MESSAGES

*Message 1*

**Satisfactory Examination and Granting Level with an observation on costs.**

We welcome the continued use of the EPO examination and granting procedure which we find to be very efficient, and provide consistency and certainty to the examination process, but we note the subsequent effect in costs that are required to secure protection and maintenance in each Member state which inhibits full participation in the patent system. Therefore we believe that any changes to the overall European patent system should build upon and improve upon the existing strong capabilities of the EPO.

*Message 2*

**Need more consistency and certainty for the litigation process.**

We support a patent system that provides certainty for all litigants with regard to how a patent claim will be interpreted and the scope of coverage of the claim, which we believe is best accomplished by the creation of specialised and centralised patent courts.

Furthermore, it is imperative that such a patent system implemented in a way that will streamline and reduce the costs of the litigation process.

*Message 4*

**Focus on Education and awareness activities**

We welcome any initiative that further educates and heightens the awareness of innovators, so that adequate protection of IPRs can be realized further incentivising additional R&D expenditures and driving economic growth.

**CONCLUSION.**

We believe in an economic and fair patent system which provides adequate protection to innovators and certainty to the business community.

Rather than expend any more time and energy on the harmonization and Mutual Recognition discussions, the Commission should focus its efforts on the following:

Working towards implementing a single patent built upon the present EPO system with jurisdictional coverage throughout Europe; and

Working towards the creation of a patent court system which assures much needed multi country and centralised jurisdiction by specialised judges.

We recognize that such efforts can and should proceed independently and concurrently to effectuate the much need changes in a diligent manner.