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## RESOLUTION OF THE 14TH STANDING COMMITTEE

**(European Union Policies)**

*(Rapporteur BOLDI)*

*approved at the session of 13 October 2010*

CONCERNING THE

**PROPOSAL FOR A COUNCIL REGULATION (EU) ON THE TRANSLATION  
ARRANGEMENTS FOR THE EUROPEAN UNION PATENT  
(COM(2010) 350 FINAL)**

*pursuant to Article 144 subparagraphs 1, 5 and 6 of the Regulation*

**Submitted to the Presidency on 14 October 2010**

The Committee, having examined document COM(2010) 350 final,

whereas the European patent, which is the subject of another proposal for a regulation, is within the scope of the strategic objectives for economic integration, to stimulate innovation and make the EU more competitive;

whereas stakeholders agree that high patenting costs, largely due to translation costs, are the main obstacle to patent protection in the EU;

whereas the second subparagraph of Article 118 of the Treaty on the Functioning of the European Union, concerning the establishment of language arrangements for European intellectual property rights by means of regulations adopted through a special legislative procedure, makes provision for the Council to act unanimously after consulting the European Parliament;

whereas, in accordance with Article 1 of EEC Council Regulation No 1/1958 of 15 April 1958, the official languages of the European Union are the official languages spoken in the 27 Member States;

having noted that the proposal for a regulation, conversely, intends to adopt the 'trilingual' system, making provision for translation into English, French and German (the official languages of the European Patent Office) as an obligatory validation requirement for a European patent;

having considered that this approach threatens to cause serious prejudice not only to Italian language and culture, but also as regards distortion of competition and loss of competitiveness, to the sole benefit of those countries which have an official language which is one of the three languages mentioned in the proposal;

finally, having noted that derogations to the linguistic arrangements provided for by Article 1 of EEC Council Regulation No 1/1958 – and in view of the European Union's objective to respect "*its rich cultural and linguistic diversity*" as provided for by Article 3(3) of the Treaty on European Union – may be accepted only if there is a clear need to reduce costs and improve the functioning of EU structures and bodies, and must, in such cases, be consistent with their stated goal;

within the area of its remit, comments favourably on the proposal, with the following conditions:

with regard to recital No 3 and Article 3 subparagraph 2 of the proposal for a regulation, which build on the existing system of official languages at the European Patent Office (EPO), as provided for by Article 14 of the European Patent Convention (EPC) of 5 October 1973, it is considered necessary to find a European patent system that is not based on the obligatory criterion of trilingualism but which instead incorporates the language of the inventor's country of origin, with translation only into English, which is the language of the international scientific community. The advantage is that this would provide EU patents in only one language, with no translation costs if the inventor is English-speaking, or in only two languages, with just one translation, in the

majority of cases, instead of the three languages envisaged by the proposal, with at least two, but in many cases three, translations; with regard to Article 4 of the proposal for a regulation, concerning translation in the event of a dispute, it is requested that, while the patent proprietor would still bear the costs of translation into an official language of the Member State in which either the alleged infringement took place or in which the alleged infringer is domiciled, and into the language of proceedings of the competent court, such costs should then be chargeable to the unsuccessful party, thus ensuring a more equitable balance between the parties to the dispute.

Finally, it is noted that the proposal for a regulation appears to comply with the principle of subsidiarity but, with regard to the principle of proportionality, seems able to only partially fulfil the stated goals, particularly that of reducing EU patent costs.