




## FICPI INFORMATION DOCUMENT

### 24 JUNE 2013

| CET INFORMATION DOCUMENT   |   |
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| <p>TITLE: <i>FICPI Meeting with the European Commission, Cabinet of Commissioner Barnier</i></p> <p>DRAWN UP BY: <i>Commission d'Etude et de Travail (CET) Work &amp; Study Commission</i><br/>Antonio Pizzoli, Chair CET Group 04</p> <p>PURPOSE: For information and publication in the library section of FICPI's website</p> | <p>QR CODE:</p>  |

Brussels, 24 June 2013

### Meeting with the European Commission, Cabinet of Commissioner Barnier

#### FICPI

Bastiaan Koster

Coleen Morrison

Daniel Alge

Leo Jessen

Antonio Pizzoli

#### European Commission

François Arbault (Member of the Cabinet)

1. Bastiaan Koster introduced the FICPI delegates, explained the structure of FICPI, remarking that FICPI members have a balanced view on IP rights since they also represent third parties.
2. Daniel Alge added that FICPI is following the works on the unitary patent package from the very beginning. It needs to be a sound patent system and FICPI would like to assist in shaping it since their members will work with it. There have been attempts to discriminate against patent attorneys compared to lawyers, in particular in the provisions regarding privilege. FICPI is ready to provide practical suggestions in respect of the Unitary Patent System and rules.
3. Mr. Arbault explained that the Commission is only an observer in the Preparatory Committee, however there will be a broad consultation on the Rules of Procedure. The Commission is also checking whether the Rules of Procedure comply with the Community *acquis*. There is a strong interest that the unitary patent package should work well.
4. On a specific question of Daniel Alge, Mr. Arbault answered that the Commission expects to receive from FICPI possible day-to-day issues and proposals for solving them. He also remarked that compliance with the EU law is fundamental and that further objects are to



keep the momentum, to have a smooth ratification process and to convince the users that the new patent system gives advantages to them. It is important to avoid the risk that the system could be derailed in view of misinformation. He also suggested that patent attorneys should reach a common position with the lawyers, in particular on the issue of privilege.

5. Daniel Alge remarked that there are lots of opinions of the lawyers against patent attorneys representing clients before the UPC. On the other hand, less than 1% of lawyers represent clients in opposition proceedings before the EPO and there are also many patent peculiarities in the Rules of Procedure. FICPI can also provide input for the revision of the CTM Regulation, also with suggestions from non-EU users.
6. Mr. Arnould mentioned that another problem are the goods in transit in the EU, while efforts are made to allow the seizure of counterfeit products protected only in the countries of origin and destination.
7. Daniel Alge explained the proposal on the Trademark and Design Court, considering that FICPI is in favour of IP specialized courts and that the Civil Service Court already works well. FICPI members would also like to represent clients before all European IP courts. In general, more legal certainty and harmonization is needed in the European IP system.
8. Mr. Arnould observed that he was a Referendaire of the Civil Service Court and that he took notice of FICPI's proposal. He also said that when revising IP laws care has to be taken even with respect to the wording after the ACTA failure, so that this has to be done also for the revision of the IP Enforcement Directive. The Commission is now in a recovery phase and is reconsidering whether all IP instruments are effective in protecting the users, in particular SMEs.
9. Daniel Alge reminded that also after ACTA the EU needs effective enforcement instruments for protecting copyrights.
10. Mr. Arnould noticed that at the moment in this matter there is already a risk in tabling new proposals.
11. Daniel Alge proposed to encourage the protection of non-food/drinks GIs.
12. Mr. Arnould answered that the Commission is convinced that this matter should be addressed and that the consumers need to receive the right information. We are now still in an early phase and an impact assessment is to be prepared. It is not always possible to transfer the provisions of food/drink GIs to non-food/drink GIs. The Commission is also working actively on the protection of know-how and trade secrets. There are already studies on the legal and economic aspect of this matter and also here an impact assessment is under preparation. The results of these studies should be published soon.

Antonio Pizzoli

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