



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Copenhagen, Denmark 7-12 September 1997

“European Decentralisation”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee and World Congress held in Copenhagen, Denmark, 7-12 September 1997, passed the following Resolution:

Having considered the possible introduction of a unitary European Community Patent;

Takes the view that even if a unitary community patent is introduced as a result of the needs of major industry, nevertheless it is of vital interest to Small and Medium Sized Enterprises (SME's) in the member states of the European Union and outside that access to patent protection at the national level in each member state - through the national route or the European Patent Office (EPO) in its present form - is maintained as a viable alternative to and on an equal footing with a unitary community patent;

- that for each member state there is a need to maintain a viable national patent office,
- that the development of advanced searching tools and information exchange systems between national patent offices and the EPO opens the possibility of decentralising search and examination from the EPO to national offices already having search and examination facilities without adverse cost effects for the users in retaining the viability of such offices; and
- that maintenance of the existing restriction whereby certain European Patent Convention (EPC) member states may be designated in Patent Co-operation Treaty (PCT) applications only through the EPO constitutes an artificial limitation on an applicant's choice between a unitary community patent, the European patent, and the national patent systems; and

Therefore resolves that member states of the European Union should take initiatives to secure to applicants a free choice between unitary and national patent protection in Europe through appropriate decentralisation measures.