



New developments in the EU's IP ecosystem

Merete Clausen, Director for Investment
DG GROW, European Commission

Journée luxembourgeoise de la propriété intellectuelle, 26 April 2022



World IP Rights Day 2022

The Commission, too, pays special tribute to this day!

‘Intellectual Property and Youth: Innovating for a Better Future’



Our World IP Day Programme

- *Focus on youth and innovation*

- Blog post by Commissioner Thierry Breton:

[Blog | European Commission \(europa.eu\)](#)

- Press release on DG GROW's website with useful information on available IP support and a Quiz

[Internal Market, Industry, Entrepreneurship and SMEs | European Commission \(europa.eu\)](#)

- Video interviews with 6 young entrepreneurs from Europe

The Commission's IP Action Plan (November 2020)

- A strategic tool to address key challenges

Effective use and deployment of IP

- Boost the uptake and use of IP, especially for SMEs



Better IP protection

- Improve the ways IPRs are protected



Fight against IP infringement

- Better enforcement and cooperation



Access and sharing of IP

- Facilitate licensing and diffusion of IP

Zooming in on:

Creating a safer online environment:

- **Digital Services Act** – political agreement of the EU institutions on 23 April '22

Fighting infringements of Intellectual Property Rights:

- **EU Toolbox against Counterfeiting** – upcoming High-Level Roundtables
- **United Patent Court Agreement** – provisional application period started January '22

New legislative initiatives:

- **Regulation for CI GI* protection** – proposal
- **Designs reform**
- **Patents package:**
 1. Supplementary Protection Certificates (SPCs)
 2. Standard Essential Patents (SEPs)
 3. Compulsory licensing

*CI GI = Geographical Indications for craft and industrial products

But first a word about ... SMEs:

SME IP Fund:

- Cooperation with EUIPO
- Financial support to EU-based SMEs
- Helping SMEs in post-COVID recovery and green and digital transition

Access to finance:

- InvestEU budgetary guarantee
- IP-valuation
- Develop expertise of financial institutions in risk assessment of innovative companies
- InvestEU Advisory Hub

The IP Action Plan

- SMEs



Effective use and deployment:

- Provide financial support for SMEs to manage by reimbursing some of their costs
- Strategic IP advice for SMEs in “Horizon Europe” and beyond
- Improved IP information – European IP Information Centre, IP Helpdesks
- IP as an asset to facilitate access to finance

SME IP Fund

Results of the first year (2021):

- 28 065 services to the benefit of 12 989 SMEs from all 27 Member States
- 80% were micro companies
- 75% of the beneficiaries registered their first IPR

Recently extended by 3 years!

<https://ipil.lu/fr/fonds-pme/>

[SME Fund - EUTM \(europa.eu\)](https://europa.eu)

Services offered by the SME Fund

2nd generation SME IP Fund (2022-24): budget of €47 M - reimbursing:

- 90% of the MS fees for IP Scan services
- 75% of the official fees for EU and national trade mark and design registration
- 50% of the World Intellectual Property Organization fees for international trade mark and design protection
- 50% of the fees for the registration of national patents

Digital Services Act: political agreement 23/4-2022

For a safe, predictable
and trusted online environment

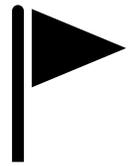


For citizens:
Less exposure to illegal content



For business users:
Level-playing field against
providers of illegal content

Digital Services Act: Improved IP Protection



measures to counter illegal goods, services or content online, such as a mechanism for users to flag such content and for platforms to cooperate with “trusted flaggers”



new obligations on traceability of business users in online marketplaces, to help identify sellers of illegal goods.



obligations for very large platforms to prevent the misuse of their systems

The IP Action Plan

- Fight against IP infringement



EU Toolbox against counterfeiting:

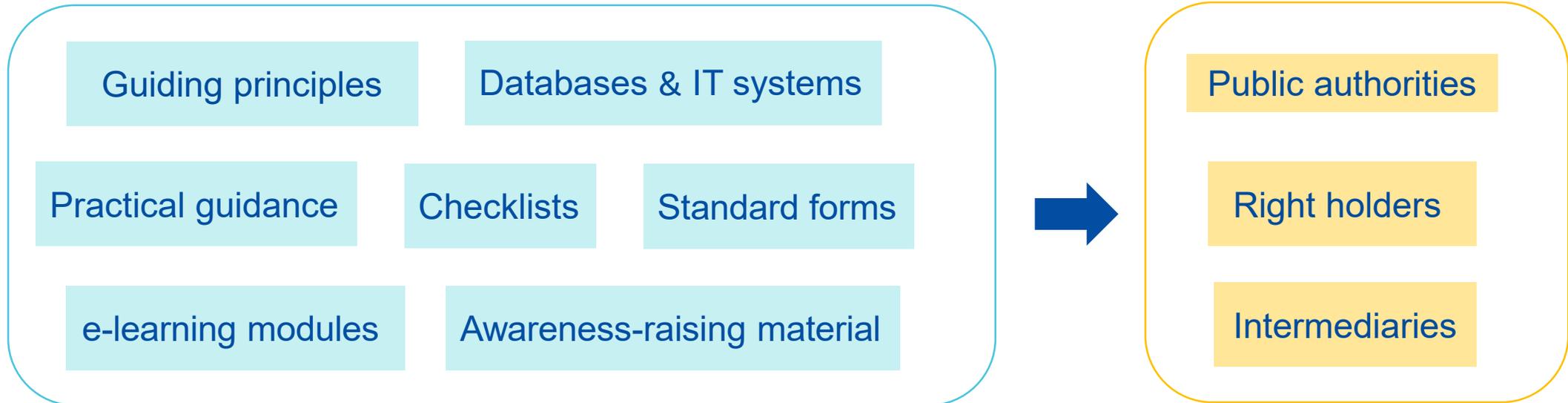
Goals:

- Clearer roles, actions & measures, better cooperation
- Easier information sharing
- Promote innovation, development and use of adequate tools & new technologies for effective action against counterfeiting

Key players:

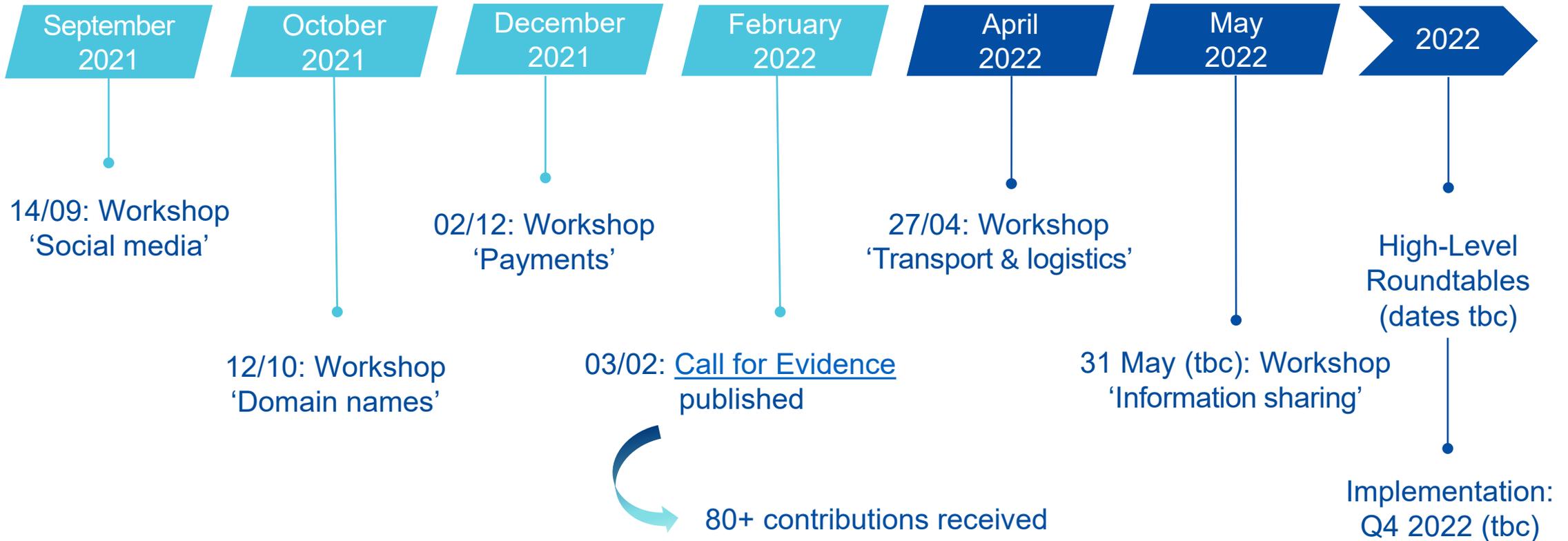
- IP right holders: all sizes, all ecosystems
- Online offline intermediaries, e.g.:      
- Public authorities, in particular law enforcement authorities

The EU Toolbox against counterfeiting: possible concrete tools



Scope: Online and offline counterfeiting

The EU Toolbox against counterfeiting: next steps



The unitary patent system – including the Unified Patent Court

Unified Patent Court

- will allow for the **centralised litigation** of European patents with or without unitary effect, and related SPCs
- only for MSs that have ratified the UPC Agreement (17 initially)
- centralised litigation will **lower costs, admin. burden and legal uncertainty**
- user friendly geographically distributed implementation of the UPC

January
2022

Unitary patent:

- Start of the provisional application period of the Unified Patent Court (UPC) Agreement
- Operational launch of the unitary patent system (including UPC) is being prepared

2022/23

Launch of unitary patent system

expected late 2022 / early 2023

The IP Action Plan

- Ongoing legislative initiatives

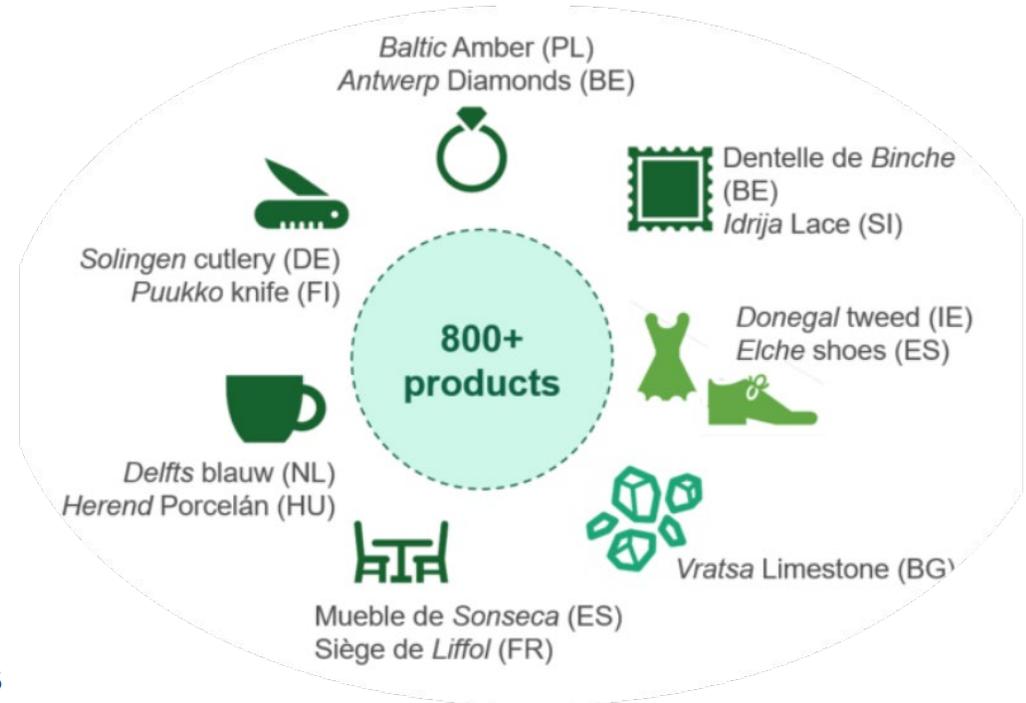


Better & balanced IP protection:

- Regulation for Craft and Industrial geographical indication (GI GI) protection.
- Design reform
- Patent package:
 1. Supplementary Protection Certificates (SPCs)
 2. Standard Essential Patents (SEPs)
 3. Compulsory licensing

Craft and industrial products (CI) GIs – quality through tradition

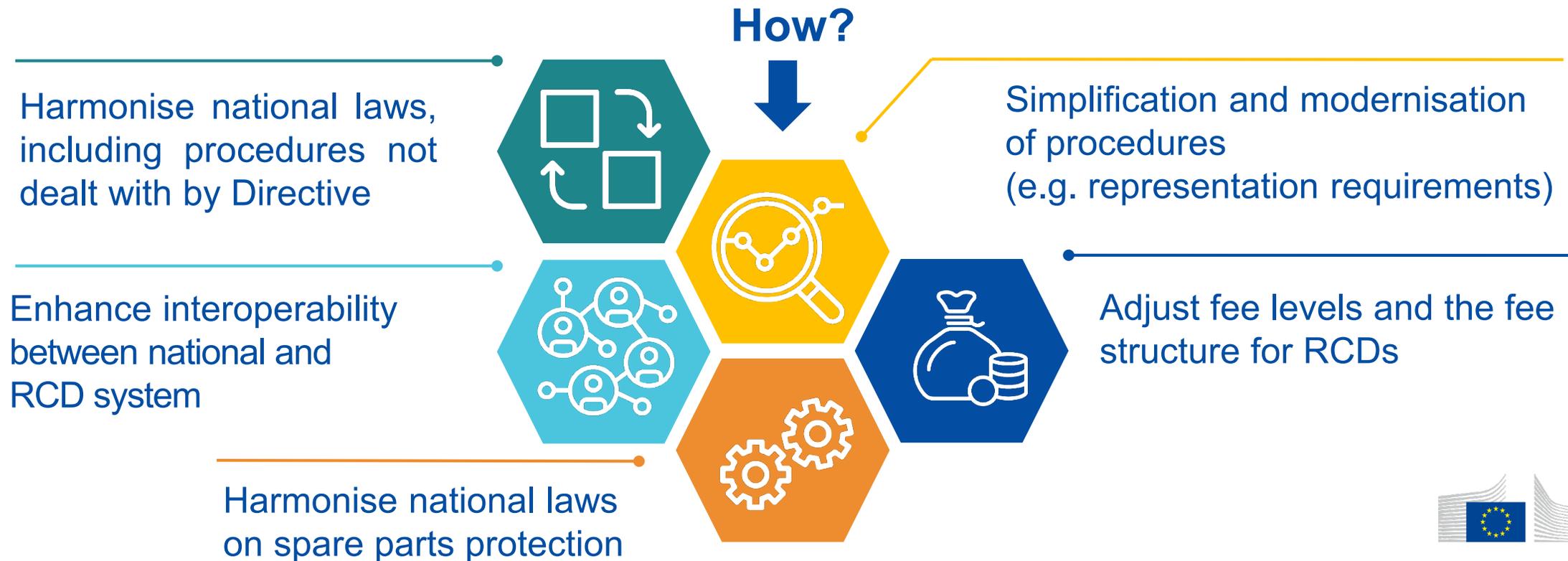
- Proposal for a Regulation **adopted on 13 April**
- **Main features:**
 - EU wide system for CI GIs
 - Protection of third countries' CI GIs in the EU
 - Two-stage registration procedure with EUIPO as EU authority in charge
- **Main benefits:**
 - Informed choices for consumers
 - Creating and retaining skills and jobs in EU regions
 - Enabling EU producers to fully exploit the Single market and enjoy international protection



Revision of design legislation

Goals:

- Bringing single market for spare parts closer to completion
- Making the Registered Community Design (RCD) system more accessible and efficient
- Approximation of parallel design systems (Community and national)



Supplementary Protection Certificates (SPCs)

Modernisation of EU framework of SPCs:

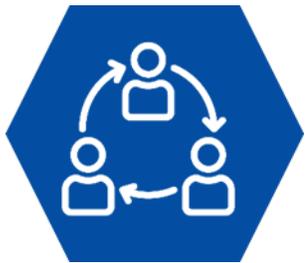
- Call for Evidence published in March.
- Impact Assessment is being prepared, with two main options:
 - a **unitary SPC** that would effectively complement the unitary patent
 - a **‘unified procedure’** for the granting of national SPCs

Standard Essential Patents (SEPs)

Creation of a fair and balanced licensing framework for SEPs to:

- improve transparency
 - provide some clarifications with regard to the licensing negotiations process
 - enhance enforcement
- A Call for evidence and a public consultation are open for feedback **until 9 May 2022**

Compulsory Licensing



Access to IP in times of crisis:

- Ensuring that **effective systems** for issuing compulsory licenses are in place, to be used as a means of **last resort**, when all other efforts to make IP available such as voluntary licensing have failed.
- Currently, legislation on compulsory licensing of patents is fragmented in the EU. EU countries regulate their own compulsory licensing schemes even though value chains operate across the EU. This can hinder EU's ability to respond to (EU-wide) crises.
- A [Call for evidence](#) is open for feedback **until 29 April 2022**

Thank you



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