

EUPAT im Jahr 2010

Notizen des Jahres

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Here some of the subjects on which we may want to write more this year.

- The Commission and Council are in an advanced stage of their work on a Union Patent Litigation System, partially motivated by efforts to impose uniform software patentability on Europe.
- Commissioner Barnier said: “I can tell you frankly, I really hope I’ll be the last Commissioner who tries to finalise a deal on the European patent.”
- The European Commission’s Directorate General for Trade is negotiating a new trade-related agreement on enforcement of intellectual property rights called ACTA; the main negotiators are known to be firm believers in the patent faith and insensitive to problems, as can be seen i.a. from their recently published report on EU-China IP negotiations of 2005.
- The German Federal High Court has confirmed its line of admitting EPO-style software patents on a theoretical foundation that is slightly easier to reconcile with the written law than how the EPO does it.
- The German Federal High Court and other courts in Europe have moved toward stricter claim interpretation along UK lines.
- The European Patent Office has, apparently due to the economic crisis, received fewer patent applications in 2009 than in 2008; it can thus be expected that the EPO will feel less of a need to “raise the bar” than in recent years.
- Efforts by members of our community to collect signatures for a legislative ban on software patents using new mechanisms of the Lisbon Treaties are under way.

- The new Chinese patent law went into force at the beginning of this year. It goes to great lengths in addressing abuses resulting from function claims (related to software patents), such as allowing courts to opt for narrower-than-literal claim interpretation and to impose compulsory licenses wherever patentees are unable to secure sufficient utilisation of their invention.
- Directive on Standardisation at the end of this year, consultation now
- Consultation on Customs IPR Regulation
- Consultation on European Company Statute
- FFII is actively disseminating news through some new channels such as Twitter, Twitter, see also Digitalia
- We need to reinvigorate this site, restructuring it as we go.
- current month