

Brussels, 24/04/2006

Dear SME Panel coordinators,

Please find below the information related to the first SME Panel to be organised.

SUBJECT OF THE PANEL

The first subject submitted to the panel of SMEs will be dealing with the patent systems and the intellectual property rights. The questionnaires and the background documents are attached to this e-mail.

The subject of the panel was decided by the two units dealing with the issue: unit D2 in DG MARKT and unit D1 of DG ENTR.

DG MARKT D2 launched some weeks ago an on-line consultation on patent systems (translation in German of this part of the questionnaire is available upon request). Nevertheless, taking into account the subject's complexity and the difficulties faced in obtaining answers directly from SMEs, DG MARKT considered that the SME Panel tool would be very useful because it would support and complete the results already obtained in the on-line consultation. The objective behind this consultation is to study the possibility for further developing the patent system legal framework.

DG ENTR D1 would like to explore the systems implemented at national level and to obtain examples of good practices, in order to evaluate the possibility of elaborating a series of practical recommendations to the Member States.

TARGETED SMES

The SMEs you should target with the questionnaire are:

- Current patent holders
- Those who hold a patentable invention but who, for a particular reason (please specify which), have not sought the patent (reasons: price/complicated rules/lack of information etc)
- SME's who have been sued by patent holders for patent infringement
- Any other SME's who have had to deal with the patent system (please specify the circumstances)

OPERATIONAL INSTRUCTIONS

The time allocated to the organisation of the panel is 6 weeks. The reports should be received by the Commission by the 5th June 2006.

If you have any question concerning this panel, please contact Virginie Cossoul (virginie.cossoul@fcis.cec.eu.int Tel: +32 2 2871534).

As explained in the point 3.4 of the call for proposals, the deliverables you must issue are two:

1. A report elaborated by each participating EIC, summarising the replies collected from the SMEs. There will be as many as participating EICs.
2. A national report, elaborated by the coordinator, summarising the EIC reports received.

In both case we stress the importance of summarising as much as possible. Please try in both reports to summarise the information received, not just make a copy / paste of the questionnaires received (from the enterprises or from the EICs). Final users of the reports -units in DG MARKT and DG ENTR- have highlighted their interest in getting as condensate information as possible in the reports.

In order to reply to the reporting requirements described above we have elaborated two templates you should use to elaborate the reports. They are attached to this e-mail (in two formats: pdf and word files).

As each coordinator will receive the EIC report indicated in point 1 by electronic means, we strongly recommend you to send us those electronic files as such, together with your national report. The e-mail address you should use for sending the reports is:

virginie.cossoul@fcis.cec.eu.int

In that particular case the relevant units wished also to receive the questionnaires filled in by each individual SME. Depending on the method used to organise the panel, this questionnaire will be filled in either by the SME directly (after explanations provided in a meeting or a presentation) or by each EIC (following a phone conversation or a face-to-face interview). In order to manage this particular request coming from these units, we ask you to mail a paper copy of those questionnaires to the following address:

European Commission
BREY 05/322
SME Panel Patent/IPR
B-1049 Brussels
Belgium

We would appreciate each coordinator to collect the questionnaires issued from its national network and send them all together by courier. The time allocated to the panel (6 weeks) does not count for the sending of the SME individual questionnaires since the most valuable information for the units at that time are the reports elaborated by you at regional/local and national level.

FUTURE SUBJECTS

In order to advance all the information available so far, we can tell you now that other subject will be probably submitted to the SME Panel before the summer break. It would concern some specific issues of the construction directives. The consultation would be organised in the framework of the better regulation process (simplification of existing rules). We will confirm it once we get all the information.

Before the summer we do not expect other subjects to be submitted, but we are already discussing with other units further possible subjects in the framework of impact assessments procedures. You can be sure you will be informed as soon as there are news about.

Miguel Huete
DG ENTR E2
European Commission