

16th December 2011

Baroness Wilcox
Parliamentary Under-Secretary for Business, Innovation and Skills
1 Victoria Street
London
SW1H 0ET

Dear Baroness Wilcox,

Re: Proposals for Unitary Patent and Unified Patents Court

The organisations which are subscribers to this letter are, or represent, significant parts of the UK economy which are key to innovation, growth and employment in the UK and have significant expertise and experience in patent litigation in Europe and elsewhere.

We have consistently expressed support for the projects to create a high quality, robust and cost-efficient patent system in Europe and have worked closely with the UK authorities and others to achieve that aim. We have also expressed the strong concern that the proposals on the table before last week's Competitiveness Council were deeply flawed and that, if accepted, far from achieving that objective, they would create a patent system in Europe which is worse than the one we have at present.

Our concerns relate to structural issues, issues as to the cost of both the court system and the unitary patent, issues of detail and issues as to the location of various organs of the proposed new court.

We have proposed ideas for resolving these issues, which we believe should be acceptable to Member States if there is an opportunity for proper reflection and discussion. We have also expressed strong concern that the understandable desire to reach agreement should not override the need to create a high quality, robust and cost-efficient system.

We are grateful that the Government has raised many of our concerns in the recent discussions.

We understand that although agreement has not been reached on several points relating to, in particular, the proposed court system, there remains significant pressure to conclude substantive discussions by the end of this year. It appears that some are saying that it is "now or never". We do not believe that this need be the case or that this is a helpful way of resolving the real issues of substance that exist.

We believe that with calm and thoughtful discussion at technical and political levels, it should be possible to finalise this project under the Danish Presidency in a way which will create the better system that all desire. Regular stakeholder involvement in this process can contribute significantly to achieving this objective.

We remain very concerned that the pressure to reach an agreement quickly will result in a system which could undermine innovation and growth. We therefore urge the Government to work with others who share these concerns to create the better system that will bring lasting benefit to the UK and Europe. We reconfirm our willingness and desire to work with you to achieve that objective.

Yours faithfully,



Matthew Fell
CBI



James Hayles
IP Federation

This letter has been shaped and endorsed by the following organisations:

Confederation of British Industry
IP Federation
BIA (Bioindustry Association)
Intellect
AIPPI-UK (UK Group of International Association for the Protection of Intellectual Property)
CIPA (Chartered Institute of Patent Attorneys)
FICPI-UK (British Association of the International Federation of Intellectual Property Attorneys)
Intellectual Property Bar Association
IPLA (Intellectual Property Lawyers' Association)
LES Britain & Ireland (Licensing Executives Society)