



Confederation of Danish Industry

Kim Haggren



PVS forårsmøde 2011  
IPR in the EU



# A Single IP Market as an innovation and growth booster - an industry perspective

Kim Haggren, Director of Business  
Law & CSR, Confederation of Danish  
Industry

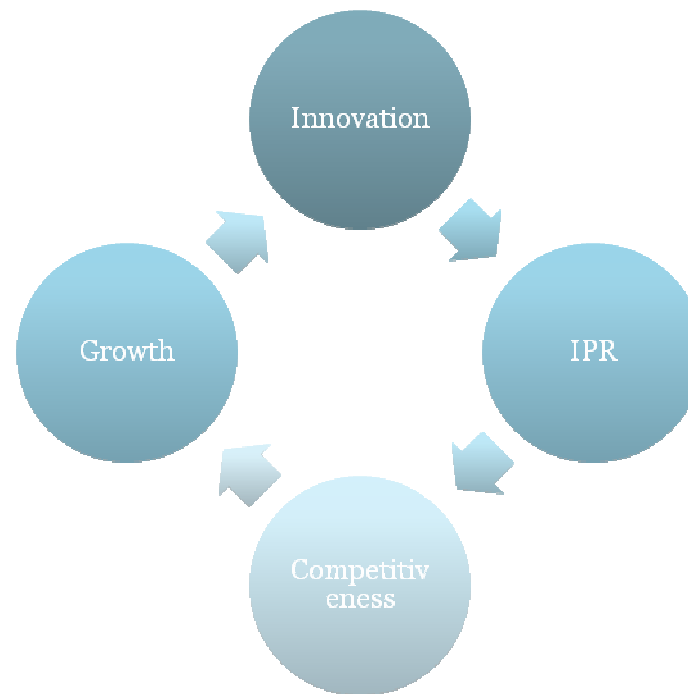


# Overview

1. Key driver for growth and innovation in EU
2. An inclusive, accessible and transparent IPR-framework
3. DI's IPR priorities

# 1. Key driver for growth and innovation in EU

- DI shares the DKPTO and EU-Commission's view of IPR as a key driver for innovation, competitiveness, and ultimately growth in EU.



- The goal of the IPR-system that support and encourages the innovative companies' investments in R&D, brand-names, designs etc.
- The design of the IPR-system is imperative for enabling the potential growth:
  - A fully integrated single IP market *“is one of the most practical ways of releasing Europe's innovation and creativity potential and enabling it to convert ideas into economic growth and quality jobs”*. (EU-Commission)





=> Fundamentally, EU's biggest asset is the Single Market, and a **'Single IP market'** has potential to be the same

Therefore, legal certainty, similar procedural/substantive rules, accessibility, transparency and harmonization welcomed by the business community





- When doing so, it is important to keep in mind the increasingly globalized nature of the IPR-related challenges
  - Most notably the rapid increase in Chinese IP-activity
  - Thus, when seeking to further improve the EU-IPR system, including the litigation systems, speed and quality are of the essence, so that the benefits to the European businesses can be unleashed

## 2. A user-based IPR-framework

- Goals of IPR-system revisions must be **user-based and -friendly**;
- Revision of the trademark system, patent system and the IP-enforcement directive should aim at:
  - the continued improvement of efficient IP-application processes,
  - clear litigation mechanisms,
  - a high degree of legal certainty,
  - competitive fee-structure etc.



## 3. IPR priorities

DIs priorities are :

- Rapid adoption of an common EU Patent system and a common European patent court system.
  - International cooperation to harmonize patent formalities and proceedings in the main patent regions, in order to reduce costs, time pendency and boost legal certainty for users.
- Streamlining of trademark systems in Europe.
- Support of all initiatives to fight against counterfeiting and piracy, including European Observatory on counterfeiting , custom inspections and the ACTA.



# Patents

- Europe needs a common patent court system that would save approximately millions for companies.
- Adoption of the EU Patent or Unitary Patent protection
- Both tools must deliver the highest quality, cost-effectiveness and legal certainty for companies.
- March 8, 2011: “The envisaged agreement creating a unified patent litigation system (currently called “European and Community Patents Court”) is *not* compatible with the provisions of the EU Treaty and FEU Treaty”.



- Next step?
- Community trademark/design enforcement model?
- EPLA?
- Changing the agreement?
- Common patent system without a common patent court?



# Trademarks

- The Community Trademark (CTM) and the Office for Harmonization in the Internal Market (OHIM) have provided successful and effective trademark protection for companies in Europe.
- Nonetheless, after 15 years in place there is room for improvement of the current framework...
- European companies need optimal trademark protection at both national and Community level.

# Anti-counterfeiting

- Counterfeiting and piracy discourage investment, job creation and innovation and create tremendous health and safety risk to consumers.
- DI supports the Anti-Counterfeiting Trade Agreement (ACTA), to better protect and enforce intellectual property rights.
- Custom authorities – regulation and resources.
- IPR Enforcement Directive should be updated to meet the challenges of the digital world.
- Consumer awareness must be raised and a zero- tolerance approach must be implemented.





Kim Haggren



PVS forårsmøde 2011  
IPR in the EU



**Thank you!**