



**SUBJECT:** Community Patent  
**Impact Analysis of the  
Spanish Patent Office of 1 July 2008**

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**PURPOSE** For information

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### *Executive Summary*

In this document prepared by the Spanish Patent and Trademark Office the impact of the Community Patent (CP) on the structure of the patent demand in Europe is analysed. It is reported that at present approximately 56% of European patent applications are filed by applicants who are not resident in the European Union. With the creation of a very economical and easily obtainable Community patent, the proportion of applications from outside the EU could rise to 75% or more. If this happened, European industry could be affected by an invasion of foreign patents, which could have a significant impact on the competitiveness of European industry. In the case of Spain, the effects would be even more pronounced given the proportionally small capacity of Spanish industry in generating patents.

The following consequences are expected for the future CP in this report by the Spanish Patent and Trademark Office:

- Reductions in the average cost of registering patents in the EU in the order of 40% or more.
- Increase of the annual number of applications from 135,000 (therein 60,000 applications from EU residents (accounting for 44%) and 75,000 from outside the EU (56%)) to 340,000 (therein 86,000 (25%) from the EU and 253,000 (75%) from outside the EU; “invasion of foreign patents into the EU”).

- Radical change in the EU patent landscape with very negative effects on European industry, with SMEs operating in a suffocating environment in which the use of patents as a competitive weapon would take on a new dimension (increase of so-called “patent thickets” and “patent trolls”).
- In the case of Spain, the change would mean that of the 340,000 annual applications that could be effective in Spain, only 1,900 (0.55%) would be Spanish owned. The current figures are 135,000 and 1,093 (0.81%) respectively, leading to a:
- Very pronounced technological dependency of the Spanish industry, which would have a serious impact on its future development and competitiveness
- Break of one of the basic principles on which patent systems are founded and according to which, in exchange for obtaining a monopoly, the patent holder must describe their invention in such a way that third party experts would be able to understand and reproduce it. If there is no description in the language of that country, many of those affected will not be able to understand the invention in a way which is clear enough to respect the monopoly.

annex: Impact Analysis of the Spanish Patent Office of 1 July 2008

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