



International Chamber of Commerce

The world business organization

Department of Policy and Business Practices

Letter addressed to the Permanent Representatives of Member States to the Council of the European Union

14 May 2004/*JPH/nd*

The International Chamber of Commerce would like to reiterate its long-standing support for a balanced European Union directive on the patentability of computer implemented inventions (CII).

In particular, we lend our support to the 13 April “Call for Action” from a number of European companies which calls on the May EU Competitiveness Council of Ministers to adopt the common position proposed by the Irish Council presidency.

The members of the ICC Commission on Intellectual Property have long recognised the importance of intellectual property protection for the promotion of economic development, innovation and creativity.

With the increasing use of software in all sectors of the economy, the ability to protect computer implemented inventions is of great importance for industries as diverse as telecommunications, information technology, medical instruments, transportation, household appliances and consumer electronics. Should Europe adopt legislation which would place additional restrictions on the ability for inventors to protect their inventions implemented or throw into question thousands of existing CII patents in Europe, a very negative signal would be sent to industries inside the EU and in other regions of the world. Recent progress towards more effective IP protection – particularly in emerging economies – could be jeopardised.

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The text as proposed by the Irish presidency, while not perfect, represents an acceptable approach for industry as it intends to confirm existing European Patent Office practice which has served Europe's inventors and consumers well. The International Chamber of Commerce is concerned, however, over proposed amendments to the Irish text which would seriously undermine existing EPO practice.

The May Competitiveness Council has the opportunity to adopt a common position which maintains existing European practice with respect to CII patents and incorporates a number of amendments proposed by the European Parliament in its first reading, while avoiding many of the most harmful amendments which would compromise innovation in Europe. We call on the Council to adopt the text as proposed by the Irish presidency without further amendment.

Your actions in this regard are appreciated.

Yours sincerely,

A handwritten signature in black ink, which appears to be 'Urho Ilmonen', is written below the text 'Yours sincerely,'.

Urho Ilmonen
Chair,
ICC Commission on Intellectual Property