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Launching of the new Unitary Patent System

The 1st of June, a **new Unitary Patent System** was launched within the European Union, aiming at making it **simpler and easier for companies to protect their innovations in Europe and capitalise on their intellectual property**. The Unitary Patent system shall strengthen the EU's innovation and competitiveness and complete the Single Market for patents. **It will initially cover 17 Member States**, representing around 80% of the EU's GDP.



The **Unitary Patent system** provides a **one-stop-shop for the registration and enforcement of patents in Europe**. This means **lower costs, less paperwork, and reduced administrative burden for innovators, in particular for SMEs**. It allows companies and other innovators to receive a single “unitary” patent for their inventions, valid across all the participating Member States.

In addition, a **new Unified Patent Court (UPC)**, with jurisdiction over Unitary Patents and existing European Patents, **will allow companies to enforce their patent rights more effectively**. The UPC will provide a more consistent legal framework for patent disputes and reduce the risk of inconsistent rulings. Concretely, a single action before the UPC will replace multiple parallel proceedings before national courts.

The main **advantages of the new Unitary Patent system** are the following:

- **Lower costs for protecting patents in Europe:** The new system offers a cost-effective way for patent protection in the participating Member States as it eliminates the need for national validation and renewal procedures in each EU country, which are costlier and more burdensome. A Unitary Patent will cost less than €5,000 in renewal fees over 10 years, instead of the current level of around €29,000 for renewal in the participating Member States. The Unitary Patent will also strongly reduce the gap between the costs of patent protection in the EU and in major trade partners such as the USA or Japan.
- **One-stop-shop for registration of patents:** Building on the existing European Patent, a new, streamlined process with a single and free request for unitary effect, granted by the European Patent Office (EPO), will reduce the time and cost required to obtain patent protection in multiple EU countries.
- **Uniform protection of patents across the participating EU countries:** The Unitary Patent is a single patent title offering uniform protection across 17 participating Member States, covering around 80% of EU's GDP and including the three largest EU

economies, namely **Germany, France and Italy**. Further Member States are expected to join the system in the future and the ultimate goal is to provide EU-wide coverage.

- **Higher legal certainty in enforcing patents:** The new Unified Patent Court (UPC) will facilitate the handling of patent disputes and allow for more consistent and predictable judicial framework. It will also eliminate the risk of divergent legal decisions in the participating Member States, since a single action before the UPC will replace multiple parallel proceedings before national courts. A significant advantage of the UPC is that it will handle litigation relating not only to the new Unitary Patents but also to other European Patents.
- **Innovation, competitiveness and economic growth:** By providing a simpler and more cost-effective way for inventors and businesses to protect and enforce their intellectual property in the EU, the new Unitary Patent system will encourage innovation. It will also promote the development and commercialisation of new technologies and products and improve competitiveness and economic growth, while also helping to attract foreign investment into the EU.

The first phase of the procedure to obtain a Unitary Patent is to file a European Patent application at the European Patent Office (EPO). The EPO then conducts an examination which, if positive, results in the grant of a European Patent.

The Executive Vice-President for a Europe Fit for the Digital Age, Margrethe Vestager declared: *“The Unitary Patent System will not only benefit our innovators and our European competitiveness. It will also help attract foreign investment in the EU. With this streamlined, de-fragmented patent system finally at par with that of our main trading partners, this is a real game-changer regarding patent protection and enforcement.”*

You may find more information [here](#).

European Commission proposes the creation of a EU Ethics Body

The 8th of June, **the European Commission has adopted a proposal for the creation of an interinstitutional Ethics Body**, covering members of EU institutions, as announced at the beginning of the mandate by President von der Leyen, and following informal consultations with the other institutions. With the establishment of the Ethics Body there shall, for the first time, be **common standards for ethical conduct of members and a formal mechanism for coordination and exchange of views on ethical requirements among institutions**. With these changes, the **EU politicians shall be subject to common, clear, transparent and comprehensible standards**.

The standards will relate to several fields:



- **Acceptance of gifts, hospitality and travel offered by third parties:** standards will also apply to the acceptance of awards, decorations, prizes or honours.

- **Conditionality and transparency measures, in particular for meetings with interest representatives:** the Commission, the European Parliament and the Council already have common standards as regards meetings with interest representatives and their publication thanks to the Transparency Register. Standards will be expanded to

include, for example, access to institutions' premises.

- **Interests and assets to be declared**, establishing the categories, as well as the procedures applied to check these declarations.
- **Side or external activities**, in order to ensure that members' availability and independence is not compromised.
- **Post-mandate activities of former members, establishing conditions, and transparency requirements.**
- **Implementation of the common framework, including on monitoring compliance and follow-up**, also as regards possible cases of harassment and sanctions, in case of breaches within each institution.
- **On the publicity of information:** each institution will need to make public how they apply the standards.

The new Body will have three main tasks:

- **Develop common minimum standards** – explained above – applicable to the members of participating EU Institutions and bodies, as well as updating them when

needed. They will serve as a minimum baseline, and each institution remains free to apply even stricter internal rules, but the standards cannot be used to lower existing rules.

- Exchange of views on each institution's internal rules in light of the standards to allow them **to learn and benefit from each other's experience**.
- **Promote a common ethics culture of all members of EU institutions**, facilitating the public understanding of the framework both to those inside and outside the institutions. Transparency will apply also to the application of these rules in the institutions.

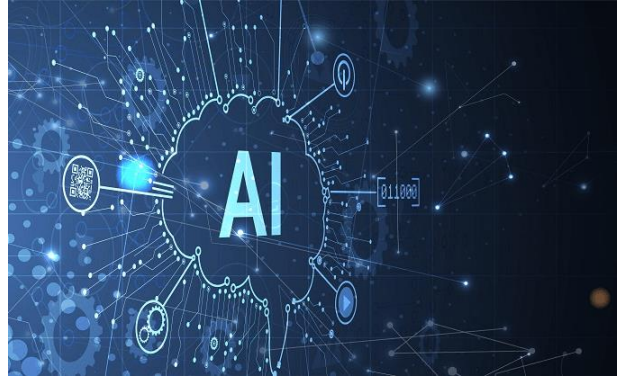
The initiative was however criticized for its failure to include legal accountability as the Ethics Body will **not have the authority to enforce rules itself**. Mr. Alberto Alemanno, Professor of EU Law, indeed underlines that the institutional agreement “*will oblige each signatory institution to collaborate on defining minimal standards but it can't impose on the same institution their adoption*”.

The European Commission will now invite all the institutions and advisory bodies to a meeting to be held the 3rd July in Brussels to start the interinstitutional dialogue and negotiations.

You may find further information [here](#) and [here](#).

First Regulation on artificial intelligence

The 14th of June, the European Parliament adopted its negotiating position on the Artificial Intelligence (AI) Act with 499 votes in favour, 28 against, and 93 abstentions, ahead of talks with EU Member States on the final shape of the law. The rules would ensure that AI developed and used in Europe is fully in line with EU rights and values including human oversight, safety, privacy, transparency, non-discrimination and social and environmental wellbeing.



The rules follow a risk-based approach and establish obligations for providers and those deploying AI systems depending on the level of risk the AI can generate. **AI systems with an unacceptable level of risk to people's safety would therefore be prohibited.** MEPs expanded the list to include **bans on intrusive and discriminatory uses of AI.**

The Parliament ensured the classification of high-risk applications will now include AI systems that pose significant harm to people's health, safety, fundamental rights or the environment. **AI systems used to influence voters and the outcome of elections and in recommender systems used by social media platforms were added to the high-risk list.** In addition, generative AI systems, like ChatGPT, would have to comply with transparency requirements and ensure safeguards against generating illegal content.

To boost **AI innovation and support SMEs, MEPs added exemptions for research activities and AI components provided under open-source licenses.** The new law promotes so-called regulatory sandboxes, or real-life environments, established by public authorities to test AI before it is deployed.

Finally, EP also reformed the role of the **EU AI Office**, which would be tasked with monitoring how the AI rulebook is implemented, which shall enhance citizens' right to file complaints about AI systems and receive explanations of decisions based on high-risk AI systems that significantly impact their fundamental rights.

The two co-rapporteur of the position, **Brando Benifei** (S&D, Italy), and **Dragos Tudorache** (Renew, Romania), were satisfied by this adoption: *"Europe has gone ahead and proposed a concrete response to the risks AI is starting to pose" "The AI Act will ensure that this technology, set to radically transform our societies through the massive benefits it can offer, evolves and is used in accordance with the European values"*.

You may find more information [here](#).

European Commission's Vice-President warns about the risks of Artificial Intelligence

In a recent interview with the *BBC* the 15th of June, **Margrethe Vestager, the Executive Vice-President of the European Commission and Commissioner for Competition, underlined the necessity of "guardrails" in order to counter the technology's biggest risks.**

Following the approval of the AI rules by the European Parliament, Ms. Vestager insisted on the **importance of avoiding any discrimination that could be created by the AI:** *"Discrimination is a more pressing concern from advancing artificial intelligence than human extinction"*



According to the Vice-President assuring guardrails is essential where AI is being used to help make decisions that can affect someone's livelihood, such as whether they can apply for a mortgage: *"If it's a bank using it to decide whether I can get a mortgage or not, or if it's social services on your municipality, then you want to make sure that you're not being discriminated*

[against] because of your gender or your colour or your postal code"

With the approval of the AI rules by the European Parliament, the 14th of June, the current draft of the AI Act seeks to categorise applications of AI into levels of risk to consumers, with AI-enabled video games or spam filters falling into the lowest risk category. High-risk AI systems include those that are used to evaluate credit scores or access to loans and housing. This is where the focus of strict controls on the tech will be. But as AI continues to develop quickly, **Ms Vestager said there was a need to be pragmatic when it comes to fine-tuning rules around this technology:** *"It's better to get, let's say 80% now than 100% never, so let's get started and then return when we learn and then correct with others,"* she said.