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Unitary Patent system: EC asks for study on European SPC title

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The European Commission has taken the first step towards creating a European Supplementary Protection Certificate (SPC).

A [Call for Tender](#) for a ‘Study on the legal aspects of the supplementary protection certificates in EU’ was published last month. The deadline for the Call for Tender is 4 February 2016. After signing a contract, the study must be completed within ten months.

According to the EC’s announcement, ‘the study shall evaluate whether a new European SPC title, in its current scope, or broadened with improved provisions, is required to meet the requirements of current and expected innovative market developments in the EU. (...) The results could serve as a basis for an impact assessment for a future proposal by the Commission to create a European SPC title, and complement the recalibration of the existing EU SPC rules.’

The lack of provisions on SPCs is seen as a [flaw](#) in the regulations on a new Unitary Patent (UP) system. Last year, the European Federation of Pharmaceutical Industries and Associations ([EFPIA](#)), in a joint initiative with the European Crop Protection Association ([ECPA](#)) and the International Federation for Animal Health Europe ([IFAH-Europe](#)), published a joint [position paper](#), supporting the concept of Unitary SPCs being granted on the basis of Unitary Patents.

In its strategy report ‘[Upgrading the Single Market](#)’, published on 28 October 2015, the EC had already announced it would address ‘uncertainties over how the Unitary Patent will work together with national patents and national supplementary protection certificates (SPC)’ and that it would ‘consult, consider and propose further measures, as appropriate, to improve the patent system in Europe, notably for pharmaceutical and other industries whose products are subject to regulated market authorisations.’

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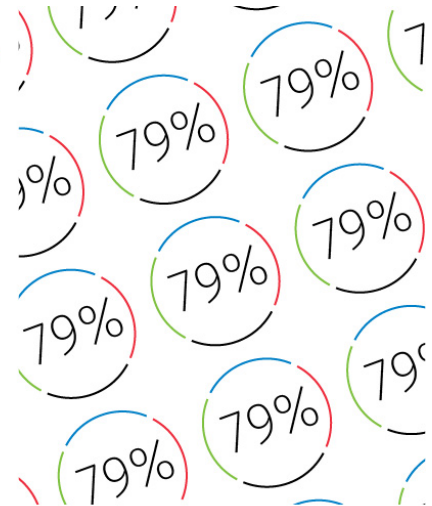
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