

Kluwer Patent Blog

‘It is detrimental to Spain to stay outside the Unitary Patent system’

Kluwer Patent blogger · Wednesday, March 8th, 2017

The Spanish Parliament, the Congreso de los Diputados, surprisingly adopted a non-binding motion on 7 March 2017, requesting the government to join the Unitary Patent system. Spain has been the only EU member state to stay completely out of this new European patent system, that is expected to start functioning in December of this year (although not all member states will have ratified by then). Kluwer IP Law interviewed Patricia Blanquer, MP of the socialist opposition party PSOE and author of the motion.



You filed the motion which was adopted yesterday, calling on the Spanish government to reconsider joining the UP system. Why?

‘We consider that Spain’s participation in the Unitary Patent system is very important for the competitiveness of companies and the innovation process in our country.’

In the past, it seemed there was an overall political consensus about not joining the UP system, or am I mistaken?

‘It is true that initially Spain showed its disagreement with the Unitary Patent system, particularly its language regime, by not taking part in it. But over the last years many things happened that haven’t benefited our position. Spain brought several challenges to the Regulations creating the Unitary Patent system, which were dismissed by the Court of Justice of the European Union. In the latest meetings of the Competitiveness Council of the EU, it was announced the system will start functioning soon. We consider it detrimental to the interests of Spain being left out.’

Moreover, reconsidering our position does not mean giving up our demands. We can always claim and promote the use of our language from within.’

Your motion refers to continued efforts to promote Spanish as a language for science and technique. This is very similar to the declaration Italy made when it changed its position on the UP system and decided to fully join it. Do you want Spain to follow the Italian route?

‘We can’t remain isolated in this matter. It is not about following anyone. It is about evaluating pros and cons and doing what we think is best for the country.’

Is your motion related to the developments in the UK, that has announced it will join the system despite the Brexit vote?

‘Rather, my non-binding motion is related to the fact that there are only a few months left for the new system to come into operation.’

In your motion it is also suggested that Spain should take advantage of the UK exit from the EU to request that the London seat of the UPC central division is relocated to Spanish territory. The UPC Preparatory Committee however has said the UP system is expected to start on 1 December 2017. Isn't it too late to hope – and possibly start lobbying – for relocation of the London central division seat to Spain?



Patricia Blanquer

Hopefully it's not too late. What we want is possible. All that we need is the willingness to reach agreements. We have started a debate now, that has not yet been held in Spanish Parliament.

Should Madrid become the seat of the central division, or is Barcelona a more logical place? Or another city?

‘In Spain there are several cities that could be host of the UPC's seat. We all have our preferences, but that's not the point now.’

What will happen with your motion? Do you think it will lead to new steps?

‘Yesterday, we discussed the motion in the Committee on Economy, Industry and Competitiveness of the Congress of Deputies and it was approved with 22 votes in favour and 14 votes against. The only parliamentary group that voted against was the Popular Party, the PP.’

Non-legislative motions are not legally binding, but politically imply a major boost to government activity. It is a first and very important step. The Popular Party, that runs the minority government, will have to explain very well why it wants Spain to stay out of the UP system and stand alone. It does not make sense that prime minister Mariano Rajoy and his Minister of Economy talk about deepening the European project and at the moment of truth, his party, the PP, votes against one of the most important EU projects in the field of innovation.

The actions of the government in this matter have been very limited and deficient. It is time to reconsider our position and adopt a more proactive strategy.’

When do you expect the government to react?

‘There is no deadline for the government, because it is a non-binding motion. But if the government does not consider it soon, we will insist with other actions. For the moment, we think it's more convenient to wait. It is important that a majority of Parliament made such a clear declaration on the issue of the Unitary Patent, and that only one party voted against.’

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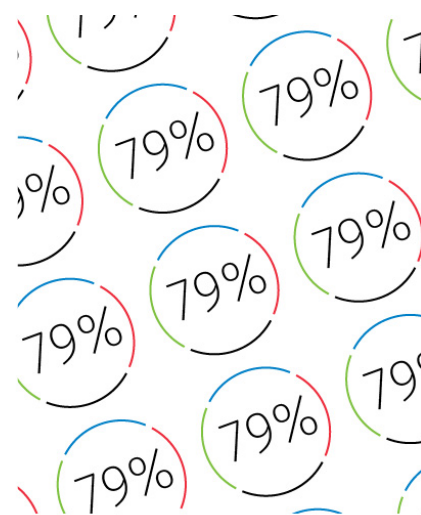
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