

Ladies and gentlemen,

I would like to join Mr. Kunz-Hallstein in welcoming you at the German Patent and Trade Mark Office today. Indeed, we share a long-standing professional and personal relationship, that I appreciate very much.

The reason for today's event is – as you know – the cooperation between the GRUR Int journal and the Journal of Intellectual Property Law & Practice published by the Oxford University Press. It was at the annual GRUR General Council meeting in September **two thousand twelve** (2012) that I heard, for the first time, about this new cooperation and the two planned seminars starting the publication partnership of GRUR and Oxford University Press.

The German Association for the Protection of Intellectual Property (GRUR) and the DPMA look back on a long-standing successful cooperation. Not only do we cultivate a lively and sustained exchange of ideas, but there are also regular GRUR events that take place here in the DPMAforum and that some of you might have already attended.

Incidentally, the DPMA and GRUR already organised a big event together with the European Patent Office almost **ten** (10) years ago. Dr. Kunz-Hallstein might still remember it, as it was

an idea of his – back then. In July **two thousand three** (2003), the **one-hundred-year** anniversary of Germany's accession to the Paris Convention for the Protection of Industrial Property was commemorated during a ceremony in the Munich Residenz.

So, the time has come for GRUR and the DPMA to organise another joint event. I was happy to propose the DPMAforum here at the German Patent and Trade Mark Office for the second GRUR Int/JIPLP Celebratory Seminar – the first seminar already took place in London in January.

I am delighted by the fact that GRUR accepted my proposal.

It was not very surprising that the topic chosen by GRUR for today's event would arouse a lot of interest. However, even I did not expect that the interest would be so high that the planned maximum number of participants would be reached just a few days after sending the invitations.

In order to allow as many of you as possible to take part, we increased the maximum number of participants – twice to be precise! Accordingly, the DPMAforum is filled to capacity today. I see many familiar faces that we like to informally call the "usual suspects".

Still, I know that some of you visit the German Patent and Trade Mark Office for the first time and some of you have come from

afar. I am all the happier that you have accepted our invitation.

Ladies and gentlemen,

The topic of today's event is "The European Patent Package". GRUR could not have chosen a more current topic affecting the IP community than this one.

And this, despite the fact that the topic is not new at all. On the **fifteenth of (15) December nineteen seventy-five (1975)**, the Convention for the European patent for the Common Market was signed in Luxembourg providing for a unitary patent for all EC states. Once the ratification of this convention failed, a long process characterised by many "ups and downs" began – as we all know.

The second attempt with the Agreement relating to Community patents – that, again, was concluded on a **fifteenth of (15) December**, this time in **nineteen eighty-nine (1989)** – also did not lead to the introduction of a Community patent. It failed once again due to the required ratifications.

In the following years, experts from the industry, the national patent offices, the European Patent Office as well as numerous scientists and government representatives were discussing the "pros and cons" of such a patent. But a real agreement was

never reached.

The next round which was started by the Proposal for a Council Regulation on the Community patent of the first (1) of August **two thousand** (2000) presented by the Commission seemed promising at first.

In fact, on the **third** (3) of March **two thousand three** (2003), the Competitiveness Council came to agree on a common political position on the Community patent. However, a final agreement could not be reached again due to conflicts of opinion, particularly regarding the language regime.

The negotiations continued but nobody really believed that the vision of a Community patent would ever come true after such a long time.

But as a German saying goes, “the condemned live *[liff!]* longer.”

So, after the EU Commission proposed a so-called “enhanced cooperation” in accordance with EU law in December **two thousand ten** (2010), suddenly great strides have been made forward. As early as March **two thousand eleven** (2011), the Competitiveness Council decided on an authorisation to establish an enhanced cooperation. A large majority of **twenty-five** (25) out of **twenty-seven** (27) EU

member states agreed to the decision. Only Spain and Italy objected to it. You know what followed.

After the Council of the European Union approved the EU patent regulations on the **tenth (10) of December two thousand twelve** (2012) and the European Parliament adopted them the day after, the European patent with unitary effect has one last hurdle to overcome after the signing, namely the ratification of the Agreement on the Unified Patent Court.

The Federal Minister of Justice, Ms. Sabine Leutheusser-Schnarrenberger, signed the agreement for the Federal Republic of Germany along with another twenty-three (23) states in Brussels on the **nineteenth of (19) February two thousand thirteen** (2013). Yesterday, Bulgaria informed the Council of the European Union that they would soon sign the agreement, too!

Now, at **least thirteen** (13) EU member states including Germany, France and the United Kingdom need to ratify the agreement.

After almost **forty years** of difficult negotiations and extensive, often passionate discussions, the European patent with unitary effect is – once again – **just one step away**.

Today's event is a good opportunity to discuss what the "European Patent Package" involves.

Ladies and gentlemen,

Winston Churchill is reported to have said that a good speech should exhaust the subject, not the audience. I hope that I have not exhausted you with my speech, as I do not want to exhaust today's subject either. I prefer to leave it to our most distinguished speakers and you during the panel discussion.

I would like to wish all of us an interesting event with new insights and animated discussions.

But first, I would like to ask Vice-President Directorate-General Operations of the European Patent Office, Mr. Minnoye, for his welcome speech.

Thank you very much!