



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 June 2012

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NOTE

From: Presidency
To: Permanent Representatives Committee

No. prev. doc.: 18030/11 PI 176 CODEC 2291
No. Cion prop.: 9224/11 PI 31 CODEC 671

Subject: Proposal for a Regulation of the European Parliament and the of the Council
implementing enhanced cooperation in the area of the creation of unitary patent
protection
- Approval of an amendment to the final compromise text

1. On 2 December 2011, the Permanent Representatives Committee agreed on the final compromise text concerning the above mentioned proposed Regulation in the context of an agreement with the European Parliament for the adoption of the proposed Regulation at first reading.
2. In the absence of an agreement on a global compromise on the patents package at Council level, the European Council put this item on its agenda of its 28/29 June 2012 meeting.
3. On 29 June 2012, the Heads of State or Government of the participating Member States reached agreement on the above-mentioned package. In the context of this agreement, it was suggested that Articles 6 (Right to prevent the direct use of the invention), 7 (Right to prevent the indirect use of the invention) and 8 (Limitation of the effects of a European patent with unitary effect) of the above mentioned proposed Regulation be deleted.

4. The Permanent Representatives' Committee is therefore invited to :

- confirm the agreement to have Articles 6 to 8 and the corresponding recital of the proposed Regulation deleted, and
- authorise its Chairman to inform the Chair of the European Parliament's Legal Affairs Committee that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) of the Treaty, in the form set out in the compromise package agreed upon on 2 December 2011 minus Articles 6 to 8 and the corresponding recital, the Council would, in accordance with Article 294(4) of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

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