



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 July 2011**

**12661/11**

**PI 92  
COUR 35**

**NOTE**

---

from:	Presidency
to:	Delegations
No.prev.doc.:	11533/11 PI 68 COUR 32
Subject:	Organisation of work on the patent reform under the Polish Presidency

---

The recent discussions on the two proposals implementing enhanced cooperation in the area of unitary patent protection have confirmed the strong political commitment of the delegations and the momentum for finalising the legislative processes on them as a matter of priority. The Council has also created a clear political link between the creation of unitary patent protection and the creation of a unified patent litigation system. The Presidency is determined to continue the work in parallel on both strands of the patent reform, with a view to reaching an overall political agreement within the Council at the end of this year.

The Presidency considers it important to preserve the political nature of the discussions, while ensuring the availability relevant expertise as necessary, which requires a flexible working method.

The Presidency wishes to inform delegations of its decision to assign to the Friends of the Presidency Group the task of continuing the work on the following three files:

- (a) Proposal for a Regulation of the European Parliament and the Council implementing enhanced cooperation in the area of the creation of unitary patent protection<sup>1</sup> based on Article 118(1) TFEU;
- (b) Proposal for a Council Regulation implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements<sup>2</sup> based on Article 118(2) TFEU;
- (c) Draft agreement on a Unified Patent Court and draft Statute<sup>3</sup>.

The Friends of the Presidency Group is invited to regularly report back to COREPER about the outcome of its discussions.

To ensure political steering of the discussions, the responsibility for negotiations should be put on IPR Attachés, who could be accompanied by experts in relevant fields as necessary, in a 1+1 format. The Friends of Presidency Group will not have interpretation.

The Presidency intends to organise the first meetings of the Friends of the Presidency Group on 11 and 18 July, to which invitations will be forwarded to the IPR Attachés.

---

<sup>1</sup> 9224/11  
<sup>2</sup> 9226/11  
<sup>3</sup> 11533/11