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## CALL FOR ACTION

### Proposed Directive on Patentability of Computer-Implemented Inventions Joint Statement

As some of Europe's most innovative technology companies, we call upon ministers at the May Competitiveness Council to adopt a Common Position on the proposed EU directive on the patentability of computer-implemented inventions. The 17 March 2004 Consolidated text proposed by the Irish Council Presidency deserves the support of all Ministers in the Competitiveness Council.

We commend the Irish Presidency for presenting a balanced text which preserves the incentives for European innovation in sectors as diverse as telecommunications, information technology, consumer electronics, household appliances, transportation and medical instruments while responding to the European Parliament's call for limitations to ensure that patentability does not extend into non-technical areas or unduly hinder interoperability in our increasingly networked society.

Failure to adopt a balanced Common Position as proposed by the Irish Presidency in March 2004 will undermine innovation in Europe. Broad-based exclusions for data processing technologies, information handling, or techniques used for the so-called "conversion of conventions" would make very many patents already granted in Europe unenforceable. This would undermine licence agreements we have with other companies – many of whom are based outside the European Union in jurisdictions where computer-implemented inventions will remain patentable – shifting the balance away from European companies, making our businesses more risky, and reducing the potential for return on investment from royalty revenues which currently flow to European companies and which help fund continuing research and development activities.

All of Europe's innovators, including individual inventors, small and medium size enterprises (SMEs), as well as large multinational companies, require patents to protect their inventions, provide incentives to undertake research and development in Europe, and to promote licensing and technology transfer.

Your action is required to safeguard innovation in Europe, so that society may continue to benefit from technology advances in products as diverse as mobile telephones and cars which increasingly rely on computer-implemented inventions and to avoid jeopardising the ambitious Lisbon goal of making Europe the "most competitive and dynamic knowledge based economy" by 2010.

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