

How to Get Patent Protection in Europe?

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Introduction

The number of patents and patent applications has been increasing constantly worldwide in the last decades, nearly doubling in the last 20 years. It was observed that patent filing evolution generally follows the growth of the gross domestic product (GDP). In 2004, almost one million patent applications were filed in the US, Japan and Europe alone³. This inflation of application filings has shifted the role of patents in business planning of a company to a more prominent position, from a mere instrument of protection to an active business tool used as a strategic asset. It also rendered passive attitude towards patents a very dangerous exercise since the increasing number of patents has seriously reduced the area of freedom of exploitation of a company which could

rapidly be hindered or even prevented from working in its own area of activity by a competitor's patent portfolio.

With globalisation of the world economy it was natural that intellectual property followed the same trend leading to the signature in 1994 of the TRIPS agreement (Agreement on Trade Related Aspects of Intellectual Property Rights) by WTO-member states. TRIPS sets down minimum standards for many forms of intellectual property regulation, in particular requirements that nations' laws must meet for patent protection, and outlines procedures for enforcement, remedies, and dispute resolution. Soon, however, many became concerned that industrialised countries abused of their overwhelmingly superior patent portfolios to impose monopolies in developing coun-

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³ <http://www.trilateral.net>.