**Doubts about the likelihood – and benefits – of an EU-wide patent**

The European Commission is championing the prospect of a unitary EU patent, claiming it will benefit competitiveness. Yet despite apparent progress towards fast-tracking a single system and court for patents, doubts persist about its viability and commercial desirability.

Food and ingredient companies wanting to protect their intellectual property (IP) in the EU currently have to apply for a patent in each relevant Member State. The work of the European Patent Office (EPO) streamlines this process, but still necessitates costly translation fees. The UK government estimates that a unitary patent would save British businesses around £20 million (£22.8m euros) a year.

With 25 out of the 27 EU Member State governments now backing the Commission’s plans to introduce the single patent by 2014, formal talks for fast-track implementation are going ahead. This is despite legal challenges from the Spanish and Italian governments, since unitary patent submissions would probably be limited to English, French or German text.

Cost can be an important consideration, says Danisco VP corporate patents Europe Charlotte Johansen Vedel. “If a patent is to be validated in all EU states, this will easily be 10 times the cost of a US patent, for instance,” she says. “These higher costs are related to translation, higher procedure costs and higher renewal fees.”

At IP specialist Hoyng Monegier, a legal practice based in Amsterdam and four other European cities, partners Benoit Strowel and Steven Cattoor agree that there could be significant cost savings for business.

Attempts to create a unitary patent go back to 1975, and there is some scepticism about the project’s objectives. “You may create a unified system, but if you don’t create the quality to go with it, what’s the point?” asks Strowel. “The number of applications will increase but, unless you employ more examiners, the quality will decrease.”

As it is, he says, the fact that information to substantiate a patent only comes from the one company applying for it means that they collapse all too often once they are challenged.

Nor is it simply about introducing a unitary court, either, says Cattoor.

He questions the Commission’s timetable in planning a unitary patent court for 2014. “It’s political bravado,” he says. “You can forget about having a court in place by then.”

Having the unitary patent without the court to match is “a high-risk situation”, he argues.

“Your title could be invalidated by a single national court. I think many businesses would prefer to file in several different EU countries,” says Strowel. “It’s to do with confidence.”

Ironically, VP strategic R&D management at Novozymes Ole Kirk sees pharmaceuticals as precisely the type of industry that could benefit from unitary patent protection.

“The present system serves Novozymes’ purpose fine,” he adds. “The centralised EPO system works well, and we typically only validate our patents in a few major EU countries, for example the UK, Germany, France and the Netherlands.”

But a single patent court would be a far more significant improvement, Kirk argues.

“Today, we have to enforce our patents country-by-country in the EU. This is very costly in time and resources, and far from uniform. A central EU patent court would be a major step forward.”

**Higher profile for 25th anniversary Fi Excellence Awards**

**with innovation among research-orientated ingredients companies showing no signs of abating, UBM is celebrating 25 years of its FiE Show this November with a lavish off-site Fi Excellence Awards ceremony in Paris. In the first event of its kind, a dedicated awards party will be held at the Novotel Roissy-Charles De Gaulle hotel on Tuesday, 29 November. In another first for the awards, international functional and specialty ingredients distributor Caldic has been confirmed as a platinum headline sponsor.**

**Entries for the awards have all been submitted, and fall into six ‘Innovation of the Year’ categories: bakery, dairy, beverage, savoury/meat, confectionery and snacks/on-the-go. Out of these, one category winner will go on to be crowned overall winner of the Most Innovative Food Ingredient Award. Each category and the overall award will be judged by a panel of industry experts. Also presented at the prestigious Paris event will be the Biodiversity in Food Awards. Introduced last year by UBM in association with the Union for Ethical Biotrade, the two awards recognise innovation and leadership in this increasingly important area. Building on the objectives of the UN’s Convention on Biological Diversity, the leadership award is intended for companies promoting practices which are sustainable and promote biodiversity. Entries for the innovation award will focus on a product created in a sustainable way which respects biodiversity. The deadline for entries to the Biodiversity awards is Friday, 26 August, 2011.**

www.ethicalbiotrade.org/awards