



(RE) THINKING INTELLECTUAL PROPERTY

FUNDAMENTAL QUESTIONS AND NEW PERSPECTIVES

Improving the European Patent System to Increase Access to Patented Inventions

Jens Schovsbo

Professor at the Faculty of Law
University of Copenhagen, Denmark

Wednesday 24 June 2009

14.00

CEIPI– Amphithéâtre 23
11, rue du Maréchal Juin BP 68
67046 Strasbourg



Abstract: This lecture will build on the recommendation in the STOA Report (2007) to improve the European patent system to increase access to patented inventions. At first, it will provide some background information to the patent system and to the limitations on access to protected technology from "thickets" and the so called "tragedy of the anticommons". Next, the lecture will discuss the use of (some) post grant measure to increase access to patented inventions. Traditionally patent law has not paid much attention to such measures. The presentation will argue that developments suggest that there is good reason to reconsider this reluctance and to include measures in the European patent legislation which seek to increase access to patented inventions. Finally the lecture will present and discuss three such measures: Compulsory licences, licences of rights, and behavioural rules.

Jens Schovsbo is professor of IP-law at the University of Copenhagen. He specializes in international aspects of IPR and the relationship between IPR and competition law