

Briefing Note for the New European Commission

Revitalising European Inventiveness: Recommendations for the European Commission 2019-2024

June 2019

Summary of Recommendations

1. In boosting the European innovation ecosystem, the European Commission must **factor in the global geo-political dynamics**.
2. The Commission must **boost higher education and skills** in Europe to promote undergraduate and postgraduate research efforts and rival world-leading universities.
3. The European **IPR framework must be at the core of the Commission's innovation strategy**, given the role of IP protection in attracting risk investment and in the development of value chains.
4. The Commission should **ensure a more sophisticated understanding of intangible assets** in the investment community and ensure that IPRs are reflected in the valuation and balance sheets of companies.
5. **Greater knowledge and technology transfer should be built into Europe's Horizon 2020**, based on private sector principles. In that context the 'open science' approach should be undertaken on a case-by-case basis, so as not to undermine the ability of European universities or public research organisations from engaging in technology transfer or seeking to access private funding.
6. Where foreign industrial policies affect the European market, **the Commission should ensure a level playing field** and not undermine the ability of European companies to invest in the creation of fundamental technologies e.g. on 5G standards evolution.
7. Where different industries come together to create new value chains, the Commission should **help to develop a mutual understanding of industrial priorities** between sectors, in order to ensure innovation and growth.
8. The European Commission should apply pragmatic solutions to **prevent forced technology transfer or IPR drain from European companies** in third countries.
9. The European Commission should be a leading promoter within and outside the EU for the **respect for property rights, the rule of law and access to courts**. In that context, the European Commission should continue to promote the setting up of the **Unified Patent Court and more unified patent protection within the EU**.
10. Where engaging in policy formulation or regulation affecting patent rights, the European Commission should reinforce principles ensuring that European actions are **evidence-based and coherent**.
11. The Commission should set up a **whole-of-EU approach within the Commission**, creating a principled defence of European intellectual property regimes, to foster European innovation creating legal and commercial certainty. This includes (i) **horizontal coordination mechanism** to bring together the IP units spread throughout the Commission; (ii) setting up a standing council of patent experts to advise the relevant Commissioners and senior staff; (iii) to pull together **Task Forces to better understand the ecosystem and value-chain dynamics where IPRs are an important element**; and (iv) designate an **Intellectual Property 'Champion'**; in the shape of a Commission Vice President, who can pull together Intellectual property and digital strategies and provide dynamic promotion of European inventiveness.
12. Set out a rolling series of events that can be used to **promote the benefits of IPR regimes** and provide incentives to researchers, students, and young businesses to understand and rely on the IPR systems.

I. Introduction

1. The new European Commission will be facing a significant set of global, regional and European challenges. One of these will be to help reinvigorate the European economy and to ensure that the benefits of competitive forces flow to European society and citizens. In this Note we highlight recommendations to support European inventiveness and innovation. These are forces that stand at the foundation of Europe's economic potential. In particular, this Note focuses on patent rights for two reasons; they are the basis of many value chains identified by the Commission and Member States as being core to the EU's future welfare; and they are the rights that require the most rigorous assessments before being recognised and protected.
2. 4iP Council Europe is an organisation made up of 23 supporters and ecosystem partners, whose aim is to develop high quality academic insight and empirical evidence on topics related to intellectual property and innovation. Patent rights are where the main competence of 4iP Council research has focused.¹

II. The Shifting European Industrial Policy Context

3. Innovation is inescapably a geo-political issue; the fruits of key enabling technologies are so significant that they transcend mere questions of economic growth. Indeed, those sectors identified by the EU and member states as deserving specific policy focus (such as automotive connectivity, batteries, energy systems, the Internet of Things, robotics, Artificial Intelligence, defence, space and the bio economy)² overlap with sectors deemed so critical to European interests that they also fall within the scope of the EU's new foreign direct investment regulation.³
4. All the sectors identified above are founded complex technologies⁴ requiring risky upfront investment in the development of the underlying technologies. And these technologies, and the investments that enable them, are usually protected by the IP system.

¹ At its core a patent right forms part of a "social contract" between society and inventors, with society recognizing that invention and its public disclosure is socially beneficial and that protection should be granted to the owner of the invention, given that the knowledge is intangible and can therefore be copied once disclosed. Indeed, patents have a broad social welfare-enhancing function well beyond manufacturing. Understanding the dynamics of the broad "market" opportunities provided by the patent system -- perhaps better understood as a multisided and multilevel eco-system -- is critical in developing policies that foster European technology leadership given how the impact of policies in one area can affect the whole innovation ecosystem. See 4iP Council's "[Principles for Research in Patent Markets](#)"

² See for example Amis de l'Industrie, Joint statement by France, Austria, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, 18 December 2018. Available at [French Government enterprises section](#).

³ Article 4 of the new Regulation of the European Parliament and of the Council establishing a framework for the screening of foreign direct investments into the Union notes that security or public order may be affected by foreign direct investment if there is a negative effect on technology-heavy sectors such energy, transport, health, communications, media, data processing or storage, aerospace, defence, artificial intelligence, robotics, semiconductors, cybersecurity, energy storage, quantum and nuclear technologies, nanotechnologies and biotechnologies.

⁴ See for example "[The role of intellectual property in the intelligence explosion](#)", Andrea Moriggi, Jan'18.

5. It should be of no surprise that the technology sectors highlighted above are also of importance to Europe's trading partners and economic rivals. Europe finds itself in competition with two global players in particular; the US and China. Both have attributes that Europe cannot replicate; large and highly integrated markets, ready access to investment capital and (distinct) forms of government intervention:
 - The technology leadership of US companies is partly reliant on links to government-funded research projects, notably through the Defense Advanced Research Projects Agency (DARPA), which is part of the United States Department of Defense. DARPA is responsible for investments in and the development of emerging, breakthrough technologies for national security or use by the military. DARPA does so in conjunction with a broad innovation ecosystem. Many technologies emerging from DARPA projects have civilian and commercial applications (such as the Internet, automated voice recognition and micro Global Positioning System receivers) that boost US players. A highly mature capital investment market at one end and a government procurement market at the other are additional critical elements.
 - As the Commission itself noted, China has clear ambitions to become a leading global power. It is a key global actor and leading technological power, where the state plays a strong role in nurturing and at times directing Chinese companies at home and abroad.⁵ This gives Chinese companies significant advantages over companies subject to market-based principles, especially where Chinese state resources, including funding, access to Chinese university research, and other forms of technology acquisition are devoted to developing technological autonomy or global leadership.
6. The European Political Strategy Centre's 2019 Paper summarises the situation in clear terms; EU action must be stepped up if Europe is to stay in the global race.⁶ We agree. The incoming European Commission cannot devise its 5-year policy for unleashing Europe's innovation potential in isolation of very significant geo-political dynamics. Yet Europe needs to find its own model, based on its core strengths; notably its innovative depth and the plurality of market players to turn research into breakthrough innovation.
7. As the Commission's 2017 Industrial Policy Strategy recognized that "*Europe needs to strengthen its enabling environment, to ensure that its risk-bearing disruptive innovations will create new markets and industrial leadership in Europe rather than outside.*"⁷ However, Europe's very significant innovation potential still suffers from structural issues. Higher education and skills need a radical boost in order to see European undergraduate and postgraduate research efforts rival world leading universities. For example, the EU hosts only 6 universities that ranks in the top 50 best universities for mechanical engineering in the Shanghai Ranking (of which 4 are in the UK).⁸
8. Second, if European inventors, whether in university research groups or firms, are to have the flexibility to emerge and grow, increased access to investment capital must be found. To do

⁵ See for example. European Commission, *EU-China – A strategic outlook*, Joint Communication to the European Parliament, the European Council and the Council, JOIN (2019) 5 final, 12 March 2019; European Commission Staff Working Document on *Significant Distortions in the Economy of The People's Republic of China for the Purposes of Trade Defence Investigations*, Brussels, 20.12.2017 SWD (2017) 483 final/2; European Political Strategy Centre, *EU Industrial Policy After Siemens-Alstom: Finding a new balance between openness and protection*, 18 March 2019.

⁶ See footnote above.

⁷ European Communication, *Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy*. Brussels, 13.9.2017 COM (2017) 479 final.

⁸ See <http://www.shanghairanking.com/Shanghairanking-Subject-Rankings/mechanical-engineering.html>.

so, the EU needs to develop an effective risk capital culture supported by a real European banking and credit union. Finally, the EU needs strong IPR policies that are central to the protection of ideas and create a framework of legal certainty for the R&D community, their investors and those implementing the innovations to enable the creation of dynamic and mutually reinforcing ecosystems.

9. Europe's system for fostering invention and innovation- and the intellectual property rights legal framework that underpins it - must therefore run at the core of any innovation strategy for the new Commission. Indeed, it seems logical that if economic rivals are targeting Europe's key intellectual property trove, the European Commission should be actively finding ways to ensure that the European IPR system enables – rather than weakens – European innovators to grow, reinvest and build on their inventions.

III. Recommendations

10. The following series of recommendations are offered to the new Commission for consideration. They are based on 4iP Council's understanding of the value of a strong IPR system and what it implies to economic growth. The European IPR system, encompassing patents, copyrights, trademarks and design rights as well as trade secrets, form an umbrella of protection that enables invention and creation with a high level of investor confidence.

a. IPR & Investment Incentives

11. At the outset it should be noted that, if an inventor is fortunate enough to have a patent granted, the mere issuance of a patent will not insure commercial viability of the invention. The value of patented technology is dependent on effective commercialisation, requiring further efforts, capital investment and development strategies to allow the inventor or patent holder to monetise the patented invention, either through its own exclusive use or by allowing third parties to use the invention through licensing or other transfers of rights.
12. When looking for policies to encourage the financing of risk investment vehicles for innovative endeavours, central to any EU policy aimed at European industrial leadership, the IPR system provides a critical point of reference for investors, especially for smaller companies and research institutes.⁹ This relates to investment or venture capital, no matter whether this is for early stage, 'valley of death' phase or later stage investment (notably scale-up funding). Patents, in particular relating to ground-breaking technologies, incentivise investment.
13. In technology start-up, equity investors usually require evidence that a business has taken appropriate steps to secure the fruit of its R&D. Patents being the legal title to a technology (having already been certified by a patent office) are assets whose value can contribute to the credit-worthiness of a business. The business can show that it can profit from its inventions and it is less likely to be undercut by competitors copying its products or free riding on the invention. Patents can be used to solicit loans and credit (including mortgaging the patents) or securitising to produce tradable bonds.¹⁰

⁹ A recent joint report by the European Patent Office and the European Union Intellectual Property Office on High-growth firms and intellectual property rights; IPR profile of high-potential SMEs in Europe' shows how significant it is for growth prospects for SMEs to build an IPR strategy into their business model. See "[High-growth firms and intellectual property rights](#)".

¹⁰ In fact, patents are highly versatile tools; patents can be sold off (e.g. where not core to a business for an inventor to more immediately realize the income that it might otherwise have made) and could be sold to parties better placed to exploit the invention, if the inventor is not best placed to build up the necessary manufacturing or distribution network, generating capital injection for the inventor.

14. The ability to effectively deter free-riding or unfair competition, and ensure the protection of intangible property, is essential to giving investment certainty to those institutions that are funding risky innovative efforts. In 2017 the Commission recognised that “... *too few European start-ups are able to survive and grow longer term. It is the high-growth businesses that are able to scale-up which create durable jobs and economic growth and drive long term innovation.*”¹¹ This could be reflected, for example, in the valuation and balance sheets of companies and that a more sophisticated understanding of patents, within the investment context, is understood in the market.
15. Importantly, growth will only occur in the EU if technology creation is valued and protected by the regulatory framework and ultimately the courts. The ability of patent holders to seek judicial redress and have effective access to courts and remedies is core to have meaningful intangible property protection. The Enforcement Directive makes this clear; that intellectual property requires a high level of protection throughout the EU. It is strongly recommended that the Commission ensure strong respect and protection of IPR. A climate of respect for invention and intellectual property would also enable the Commission to ensure that intangible assets are a greater asset for European inventors.
16. Legal certainty around the patent system and respect for property rights are essential and increasingly relevant outside the EU too. Europe must be known for its respect of property rights developed through R&D and its willingness to protect European inventiveness. Such a reputation would highlight to investors that, where their investments yield valuable protectable results, their investments will be comparatively safe.

b. Supporting Europe’s R&D base through public funding

17. Europe’s Horizon 2020 (H2020) is the largest publicly-funded research programme in the world, yet there is comparatively little focus to knowledge and technology transfer. This needs to be improved if the impact of H2020 programmes are to have maximum impact. In doing so H2020 technology transfer rules should seek to mirror technology transfer regimes used in the private sector in order to help attract parallel private funding. In this context, it should be applauded that the Horizon 2020 Regulation 1290/2013,¹² which lays down the rules for participation and dissemination in Horizon 2020 results, applies a technology transfer regime based on a Fair Reasonable and Non-discriminatory model, enabling access to the results of EU-funded projects.
18. However, while H2020 seeks to a fully ‘open science’ approach, this needs to be more nuanced. Some projects do require an open, non-proprietary, unprotected, sharing model. Yet, some universities and public research organisations rely on much needed private funding through technology transfer offices. Without a level of protection, their research becomes public, including to rival economic interests. The next programme Horizon Europe¹³ which will run from 2021 to 2027 with an ambitious €100 billion research and innovation

¹¹ European Communication, Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy. Brussels, 13.9.2017 COM (2017) 479 final.

¹² Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in Horizon 2020 - the Framework Programme for Research and Innovation See also the H2020 Programme Multi-Beneficiary Model Grant Agreement of October 2017 at http://ec.europa.eu/research/participants/data/ref/h2020/mga/sme/h2020-mga-sme-2-multi_en.pdf. (2014-2020) and repealing Regulation (EC) No 1906/2006. OJ L347/81, 20.12.2013.

¹³ Launch of [Horizon Europe](#) – the next research and innovation framework programme

programme is an important opportunity to better focus on knowledge and technology transfer. Public funding cannot replace the drop in the private investment, but neither should open science approaches undermine the ability of European universities and public research organisations to attract investment capital that will often be conditional on the ability to protect research results that can be shared through other technology transfer tools.

c. IPR, Dissemination and Value Chains

19. It is also important to point out that increased investor confidence also increases the likelihood that the results of the technology developed will also be disseminated in the same region. Therefore, fostering investor confidence in the development of European technology solutions necessary for the 4th industrial revolution (such as 5G technologies, the Internet of Things networks or artificial intelligence) is likely to promote early dissemination and take-up in Europe. The reverse is also true. A more positive understanding of the role of patents in the investment process would help to build a more robust funding ecosystem that would give options to European unicorns to find local capital investors to scale up.
20. The IPR system plays a critical role at different stages in the creation of an ecosystem and value chain;
 - Patentability may be critical in order to attract investors where risky R&D results in technology solutions.
 - Once patents are filed, the inventions are available for others to see the state of the art. Patents are therefore a convenient form for the transfer of knowledge, both from the patentee to the world (through the public disclosure of the invention) and as between businesses (either by assignment, licensing or sub-licensing). This also occurs where a company is obliged to disclose an innovation (for example at exhibitions, to potential investors, or when collaborating with others). Patents are notably important for start-ups wishing to work with large enterprises. In standardisation efforts, technology contributions in working groups need to be patent protected or they become public domain.
 - The granting of access to patented technologies for manufacturing, usually through licensing, grants a revenue stream to the innovator and their investors. The creation of an ecosystem where rights are recognised encourages investment and the existence of such value chains encourages competition not only for better technology solutions but also services on top of them.
 - The patent system also allows for a more efficient use of the invention if the original inventor wishes to sell or license the patent (for example to profit from its invention) and so transfer the risks and effort required to exploit a patent to a business best able to do so. In some instances, a patent can be exchanged or bartered for other assets considered valuable to the patent holder. This would most commonly be a cross-license, which is a significant value exchange as it enables the parties to reduce the price that their businesses might otherwise pay - and promotes 'patent peace'.
21. The various industrial policies recently proposed by the Member States or the European Commission identify industries or value chains that are needed for a level of European economic or technology autonomy. At each stage, the IPR system plays a different yet important role. To foster the IPR system will encourage investment and certainty. To undermine it creates uncertainty and gaming. For example, the European Political Strategy Centre Paper¹⁴ highlights how Chinese industrial policies have sought to seek to control key aspects of the development and implementation of 5G, with centrally orchestrated strategies leading to increased activity in the international standard setting bodies developing 5G

¹⁴ [EU Industrial Policy After Siemens-Alstom: Finding a New Balance Between Openness and Protection](#)

standards (i.e. 3GPP or ETSI), to the filing of patents, to the sale of equipment. Huawei has become the leading global telecom equipment vendor leader far outstripping Nokia and Ericsson.¹⁵ This undermines the ability of innovative European companies from contributing to the development of 5G standard evolutions and runs counter to the core interests of the EU. If the EU seeks to foster European companies to invest in the evolution of 5G, unravelling the licensing system of standard essential patents risks driving EU companies out of that foundational layer of the value chain. It will result in European companies being buyers of technologies not inventors.

22. The Commission should undertake a rigorous exercise to assess the future impact of industrial policies to understand both the intended and unintended impact of policy choices on the whole ecosystem and value chains.¹⁶
23. Furthermore, technologies in the 4th Industrial Revolution are likely to come from outside the implementing industries. Where different industries come together, there may well be different approaches to IPRs and to their value as implementing technologies or to the ecosystem. The automotive industry is a clear example of this. It is recommended that the Commission seeks to bring ecosystems together and develop common understanding of each other's priorities in order to prevent choice misunderstanding or conflict. In that context the Commission should develop dedicated action plans on each of the identified patent-dependent strategic value chains, given that these cannot succeed without incorporating research and innovation policies.

d. Responding to Geo-Political Developments

24. Despite the underlying innovative capability within the EU (see for the share of cited scientific publications) EU's advantage in technology leadership is slowly being eroded. Major economic players like China have aggressive policies focusing to build up structural and intellectual capacity to compete precisely in the higher added value segments where Europe does best.¹⁷ Yet, China's success in innovation and technology is partly owed to a "*lengthy track record of commercial espionage and intellectual property right infringements*"¹⁸ or through forced transfer of key technologies to Chinese counterparts as a precondition to access the Chinese market¹⁹ or strategic joint ventures or acquisitions in Europe. Although China is enacting primary legislation to formally end forced technology transfer,²⁰ the EU institutions must remain vigilant and apply pragmatic and practical solutions to assist European innovation systems, given the multiple ways in which European companies can see their innovations and IP illegally 'transferred'.²¹

¹⁵ In Q3 2018, Huawei had a 29% share of the global telecom equipment market, but Nokia still had 17% and Ericsson 13.4%. See ESPC Paper (2019), page 13.

¹⁶ Indeed, as academic research shows that implementing companies may seek to use regulatory uncertainty to engage in commercial scale infringement and in particular, in the standardization context. See Bowman Heiden and Nicolas Petit, Patent Trespass and the Royalty Gap: Exploring the Nature and Impact of "Patent Holdout", August 2017. [Accessible here](#).

¹⁷ European Communication, Investing in a smart, innovative and sustainable Industry A renewed EU Industrial Policy Strategy. Brussels, 13.9.2017 COM(2017) 479 final

¹⁸ EPSC Paper (2019), page 8.

¹⁹ See for example. European Commission, *EU-China – A strategic outlook*, Joint Communication to the European Parliament, the European Council and the Council, JOIN (2019) 5 final, 12 March 2019.

²⁰ See <https://www.marketwatch.com/story/china-approves-law-against-forced-tech-transfers-to-appease-us-2019-03-14>.

²¹ See <https://www.4ipcouncil.com/publications/how-protect-local-rd-brazil-russia-india-china>.

e. Fostering Legal Certainty & Predictability

25. Over recent years there have been a number of efforts to undermine the property rights system, often based on theoretical concerns or lack of concrete evidence, and for short-run benefits of certain interests. It appears not to have been done considering the long-term impact on the European innovation ecosystem. This can be seen in criticism of the 'patent system e.g. referring to 'strategic use' or 'abuse' without clearly defining what this entails, quantifying harm caused or proposing proportionate solutions.²² A current example is the suggestion that final injunctions for IPR infringement should be granted only proportionately i.e. that the interests of the infringer may outweigh that of the patent holder. So far, there is no data that points to a solution being needed. The unintended consequences of such a policy to fundamental R&D efforts in Europe would be serious.
26. The European Commission should be a leading promoter within and outside the EU of the rule of law, access to courts, and respect for property rights. In that context, the European Commission should continue to promote the setting up of the Unified Patent Court, pending the outcome of German constitutional litigation and the Brexit discussions, and the uniform high level of protection of patent rights throughout Europe.

f. Principles for Sound EU Policy Making

27. Missing from the IPR policy debate over the last decade has been a body of robust, objective and unbiased assessments of how the IPR system is performing.²³ Therefore, in addition to the above section, 4iP Council would recommend that the European Commission adopt or reinforce the following principles where engaging in policy formulation or regulation affecting patent rights:
- It is therefore vital to ensure that European IPR policies are evidence-based and coherent, given the fact that the IPR system aims to promote inventiveness and investment in risky technology creation. Policies need to be well thought through and avoid unintended consequences.
 - It may seem trivial but as a policy leader the European Commission should use clear terms that are well defined, especially given the plethora of emotive terms used in the patent debate (e.g. trolls²⁴, privateering stacking, hold-up etc.). It is important to have the right parameters for discussion given that, in the on-going policy debate, there has been scrutiny of the nature of the right (e.g. standard essential, computer implemented, quality/invalidity), the scope of enjoyment (e.g. strategic or abusive use) and the nature of the owner (e.g. non-practicing entity, patent assertion entity, privateer, patent acquisition entity).
28. Research commissioned by the European Commission should have a firm empirical foundation, especially where resulting policy initiatives may have a significant potential impact on the European economy. In any event, research relied upon should help the Commission understand if there is in fact an actual problem, and then to quantify and define

²² Another good example is the concern over 'hold up' of implementers by SEP holders, despite the fact that SEP holders are becoming fewer and 'hold up' advocates have had to resort to incentive theories to support their arguments. See paper by Petit & Heiden, at footnote 15.

²³ Even more basic, clear definitions of key terms are lacking. Currently the academic and policy debate is replete with vague and emotive expressions (usually negative connotation), such as 'patent trolls', 'strategic use', 'patent thickets', 'patent abuse'. Not only are these terms vague and subjective, they cause confusion and hinder effective research into actual marketplace conditions involving patents.

²⁴ See for example Igor Nikolic, "[Are PAEs a Threat to Europe?](#)" and "[Patent Assertion Entities and Standard Essential Patents: Keep Calm and Carry On](#)", Jan' 2018.

the true extent of that problem, based on real-world examples and empirical data. Only then can one assess a proportionate solution to be tested with stakeholders. This approach is consistent with the Impact Assessment Guidelines, which note that “*good quality data - facts as well as figures - are an essential*”.²⁵

g. Policy Coherence

29. The protection of intellectual property rights is so critical to the fostering of European innovation; to creating legal and commercial certainty; to creating conditions for investment capital and to fulfilling the EU’s industrial policy priorities, that the Commission should set up a whole-of-EU approach to create a principled defence of interests and values. This could translate into the following:
- The Commission should institute a deep and on-going horizontal coordination mechanism, not only to bring together the IP units that are spread throughout the Commission but to ensure that different policy priorities are coherent.
 - We would recommend a standing council of patent experts coming from all parts of the economy and levels in the value chains to advise the relevant Commissioners and senior staff.
 - Where European industrial policies relate to innovation value chains, to pull together a Task Force to understand the ecosystem and value-chain dynamics to ensure that IPR policy is understood and fostered to ensure funding, invention and dissemination. Where there are policy frictions (for example between the need for simplicity for SMEs and the inherent complexity of the patent system; or between the risk inherent in invention and the return for investment), there should be coordination through the Secretariat General, with resolution aimed at ensuring that the European economy remains attractive investment options in the medium to long term.
 - However, given that innovation – notably in the digital space – is of such critical importance to the EU’s future and position in the world, it is advisable to elevate the issue to college level to ensure not merely coherence in policy but to drive the protection of the EU’s innovation and invention capabilities. An Intellectual Property ‘Champion’; in the shape of a Vice President, pulling together Intellectual Property and digital strategies (with a link to internal market growth, trade, SMEs promotion and R&D) is sorely needed.

h. IPR Promotion

30. The European Commission has been very active in targeted promotion of IPR regimes, notably with SMEs. One recommendation would be to have a rolling series of events that can be used to promote the benefits of IPR regimes and provide incentives to researchers, students, and young businesses to understand and rely on the IPR systems. These could include a special IP day in Europe, prize for PhD theses exploring IPR regimes, specific IPR training in the Erasmus programme, even a European IPR stamp.
31. In addition, and on a longer-term horizon, there is a need for a stronger educational focus, not only to develop the next generation of scientists and engineers, but to ensure that these have sufficient innovation acumen to turn their inventions into innovations. Syllabi should therefore include modules to explain the value and importance of intellectual property, as well as fostering this in European business schools and SME capacity building programmes.

IV. Conclusion

²⁵ EC Impact Assessment Guidelines, 15 January 2009 (SEC (2009) 92)



Briefing

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The European Union is based on common values including freedom of thought and expression, of property and individuality. The respect for these rights has a direct relevance to the intellectual property system; it is no coincidence that those economies that respect property rights and the rule of law have higher economic growth. The reverse is also true. Therefore, the role of the European Commission in promoting and protecting the fundamental rights associated to an innovation society are not peripheral; they are core to Europe's success and should be prioritised accordingly by the new European Commission.