

# GREEN PAPER The Protection of Utility Models in the Single Market By Commission of the European Communities



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.07.1995  
COM(95)379 final

## GREEN PAPER

The Protection of Utility Models in the Single Market

(presented by the Commission)

Legal protection of industrial property (patents trademarks design rights and utility models) in the single market has an important role to play: it has to promote innovative activity in the European Union so as to ease the path from the initial idea to the successful translation of that idea into practice. It resembles a patent in that the invention must be new - it must possess novelty - and must display a measure of inventive achievement - it must involve an inventive step though frequently the level of inventiveness required is not as great as it is in the case of patents. This means that protection can be obtained more rapidly and cheaply but that the protection conferred is less secure; Utility model protection is at present entirely a matter of domestic law. The Commission has been looking into whether the establishment and operation of a single market requires measures to be taken in respect of utility models at Community level and if so what measures are needed to harmonize the law on utility models in the interests of the single market: The simpler and clearer such arrangements are for the user the more they will facilitate innovation providing effective protection for inventions: At the same time they ensure that competitors are kept informed of new developments by publication of the protected invention: This increases the competitiveness of European companies and helps to achieve the objectives of free movement of goods and undistorted competition, A utility model is a registered right which confers exclusive protection for a technical invention: Unlike patents utility models are granted without a prior search to establish novelty and inventive step, GREEN PAPER The Protection of Utility Models in the Single Market.