

**From:** Jean-Marc Leclerc <JeanMarc.Leclerc@digitaleurope.org>  
**Sent:** Monday 16 February 2015 9:58  
**To:** MALMSTROM Cecilia (CAB-MALMSTROM)  
**Cc:** ASENIUS Maria (CAB-MALMSTROM); Diane Mievis  
**Subject:** DIGITALEUROPE comment on the issue of Grace Period for Patents / TTIP

Dear Commissioner Malmstrom,

I am Jean-Marc Leclerc of DIGITALEUROPE, the trade association representing the digital technology industries in Europe. We would like to draw your attention to the important issue of the grace period for patents in the field of Intellectual Property.

A possible grace period for patents ("Grace Period") is currently part of a package of measures being discussed multilaterally by a number of States in Group B+ in the wider context of increased international patent law harmonisation. DIGITALEUROPE understands that the USA is currently pushing to include the Grace Period on the TTIP (Transatlantic Trade and Investment Partnership) negotiation agenda.

International patent law harmonization may help reduce costs of patenting, and ensure a fair and competitive international innovation environment. DIGITALEUROPE believes it is more fitting for the Grace Period to be addressed in the continuing round of international patent law harmonisation discussions, and not at all in the context of a bilateral trade agreement such as TTIP, not least because inclusion in bilateral trade agreement discussions could prejudice wider international patent law harmonisation initiatives. As a general matter, DIGITALEUROPE believes the proper place for all matters of substantive patent law harmonisation should be in truly international, dedicated patent harmonisation initiatives rather than in trade negotiations such as TTIP, as otherwise it may create serious distortions in the international patent system.

I remain at your disposal in case you would need further input from DIGITALEUROPE on this issue,

Thank you,

Best regards

Jean-Marc Leclerc  
*Director*  
*Digital Economy Policy*

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