

Nokia and BAE Systems Joint Letter

December 10, 2012

Unitary Patent Protection – proposed Regulation of the European Parliament and Council

Dear Member of the European Parliament,

We are writing to you urgently in connection with the proposal for a Regulation of the European Parliament and of the Council for creating Unitary Patent Protection which is scheduled to come before you in the European Parliament for voting on 11 December 2012.

The concept of Unitary Patent Protection in Europe is undoubtedly a desirable goal. The undersigned companies have long held the view that we are supportive of a unitary patent system in Europe *provided it results in a better system than we have in Europe today*.

Unfortunately the current package of proposals for EU Patent Reform does not achieve this important objective. On the contrary, the proposed Regulation now before the European Parliament is seriously flawed. We are concerned that, if passed, it will harm innovation, competition and enterprise in Europe for years and decades to come. It will put Europe at a serious disadvantage compared with other nations and trading blocs, both established and developing, around the world. In short it creates a non-level playing field for European companies doing business in Europe.

In particular, newly introduced Art 5a creates greater legal uncertainty and more opportunity for forum shopping. It facilitates abusive behaviour by patent holders. Examples of such abusive behaviour include enforcement by patent holders of invalid or weak patents, using threats of pan-European injunctions to extract money from legitimate European businesses that make and sell products in Europe. This would be to the detriment of European-based business both large and small.

Business activities in Europe will become more vulnerable. The Regulation as it stands will drive European businesses to locate their infrastructure, such as factories and warehouses, outside the jurisdiction and discourage inward investment from companies domiciled outside the EU. This will harm employment and economies of participating Member States. Those businesses that remain within the EU will face considerable disadvantages relative to their overseas competitors.

In short, the proposal as it stands is bad for European business and we urge you not to vote in favour on 11 December.

Yours sincerely,



Louise Pentland
Chief Legal Officer
Nokia Corporation



Dr. Bobby Mukherjee
Chief Counsel, Intellectual Property & Technology Law
BAE Systems plc