European Union

“Spain v. EPUE II”

Decision of the European Court of Justice (Grand Chamber)
5 May 2015 – Case No. C-147/13

Kingdom of Spain v. Council of the European Union

**Regulation (EU) No 1260/2012; Treaty on the
Functioning of the European Union, Arts. 118(2), 291**

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Keywords Unitary patent · Principle of non-discrimination · Delegation of powers to bodies outside the EU · Legal basis · Principle of autonomy of EU law

1. Although Regulation (EU) No 1260/2012 does differentiate between the official languages of the EU, it has a legitimate objective, namely the creation of a uniform and simple translation regime for the European patent with unitary effect (EPUE) so as to facilitate access to patent protection, particularly for small and medium-sized enterprises.
2. The language arrangements established by the regulation make access to the EPUE and the patent system as a whole easier, less costly and legally more secure.
3. The regulation is also proportionate, as it maintains the necessary balance between the interests of applicants for EPUEs and the interests of other economic operators in regard to access to translations of texts which confer rights, or proceedings involving more than one economic operator, by introducing a number of mechanisms (including compensation for the reimbursement of translation costs, a transitional period until a machine translation system is available, and full translations of the EPUE in the event of a dispute).
4. Article 118 TFEU constitutes the correct legal basis for the regulation, as the regulation established the language arrangements for a European intellectual property right.