

**Priority question for written answer P-002859/2025
to the Commission**

Rule 144

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Subject: Need for a review of IPRED in the light of the automatic granting of patent injunctions and the activity of patent assertion entities

The Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs has launched a study to evaluate the effectiveness of the Intellectual Property Rights Enforcement Directive 2004/48/EC¹ (IPRED), with a particular focus on the application of the principle of proportionality and the impact of patent assertion entities (PAEs) in Europe. According to data from the Darts-ip database, European courts grant injunctions automatically in 99 % of patent cases, without conducting any proportionality assessment – despite IPRED explicitly requiring that enforcement measures be proportionate. This lack of proportionality allows PAEs to demand excessive settlements and creates disincentives for investment in vital technologies such as 5G, artificial intelligence and semiconductors.

In light of the mission letter, which calls for ensuring that intellectual property policy both incentivises innovation and strengthens enforcement:

1. When will the study on IPRED's effectiveness be published?
2. Given that the principle of proportionality is not being applied in practice, when does the Commission plan to update the 20-year-old IPRED to better align with the EU's competitiveness goals?

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¹ Directive 2004/48/EC of 29 April 2004 on the enforcement of intellectual property rights, OJ L 157, 30.4.2004, p. 45, ELI: <http://data.europa.eu/eli/dir/2004/48/oj>.