

(English version)

**Priority question for written answer P-002859/25
to the Commission
Marion Walsmann (PPE)
(14 July 2025)**

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/EC ⁽¹⁾ (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?

Submitted: 14.7.2025

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(14 August 2025)**

The Commission launched a follow-up study on the application of Directive 2004/48/EC on the enforcement of intellectual property rights ⁽¹⁾ (IPRED) as part of its ongoing commitment to evaluating the effectiveness of the directive.

The objective of the study is to further examine the implementation and application of specific measures provided by IPRED. This includes the application of the proportionality principle, the use of dynamic blocking injunctions, the right to information, the costs for destruction of infringing goods, and the role of patent assertion entities in the EU.

The Commission is currently assessing the results of the study. The final report is expected to be published once this internal assessment is completed.

The Commission intends to consider the findings of the study, along with other relevant evidence and stakeholder input, when considering possible next steps, in line with Better Regulation principles.

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>.

⁽¹⁾ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0048R\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0048R(01)).