

## Feedback from: ADIPA (Association of Danish Intellectual Property Attorneys)

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ADIPA (the Association of Danish Intellectual Property Attorneys) generally agrees with the expected advantages that could be derived from an EU compulsory licensing system and supports the commission's initiative and suggestions. ADIPA's support is made with the reservation that the current suggestions are not very concrete.

ADIPA believes option c) would be preferable, potentially in combination with suggestion b). If option c) cannot be realized, ADIPA considers option b) to be preferable over option a).

In terms of option c), ADIPA considers it to be of the utmost importance that rights holders in the EU continue to have full trust in the patent systems so as to not undermine the positive effect of the patent systems on innovation. More particularly:

- compulsory licenses should remain high-threshold exceptions,
- the views and interests of the right holders should be appropriately balanced with those of other stakeholders; in particular, the right holders should be fairly compensated,
- the law governing an EU compulsory licensing system should be very clear, e.g. in terms of the preconditions, geographic extent, and duration (potentially with the possibility of extension) of compulsory licenses, and
- the impacts of a concrete suggestion on industry and innovation should be thoroughly investigated.

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President, ADIPA

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