

IP: A KEY CONTRIBUTOR TO FRANCE'S ATTRACTIVENESS

The leading country in Europe for business creation, France is also attractive because of its powerful innovation and intellectual property ecosystem.

An enhanced legal framework for intellectual property rights that is reassuring for investors

Aware of the impact intellectual property (IP) can have on business growth, **the French government** regularly reinforces the country's innovation protection system. The latest legislative changes notably enable businesses to benefit from:

- ▶ The legal certainty and robustness of their IP rights worldwide.
- ▶ Greater confidence in procedures that are more effective, in terms of both protection and enforcement.
- ▶ Access to a progressive offer, aligned with the cycles experienced by businesses and their markets.

RECENT CHANGES RELATING TO PATENTS

- ▶ Extension of the term for [utility certificates](#) to 10 years, making them more attractive and aligning them with German utility models, and introduction of the possibility to convert utility certificate applications into patent applications.
- ▶ Creation of a [provisional patent application](#), a simple and inexpensive procedure that enables applicants to secure a filing date and establish a right of priority.
- ▶ Creation of a [patent opposition procedure](#) before INPI, aligning French legislation with the practices of many other patent offices around the world, including the EPO and the national offices of the United States, Japan and Australia.
- ▶ Introduction of the [inventive step criterion](#) for patents, bringing examination criteria into line with the world's top IP offices.

RECENT CHANGES RELATING TO TRADEMARKS

- ▶ Creation of new types of trademarks: possibility of filing sound, multimedia and motion (animated) trademarks using video, audio or multimedia files.
- ▶ Changes to the trademark opposition procedure: by opening up to new rights (company names, domain names, etc.), the opposition procedure is now better suited to the needs of businesses.
- ▶ Creation of a trademark invalidity and revocation procedure directly with INPI, an administrative procedure that is simpler, faster and less expensive than legal proceedings.

INTERNATIONAL RECOGNITION OF FRENCH PROCEDURES

France has signed several Patent Prosecution Highway (PPH) agreements, which provide for mutual recognition of patent examination work, notably with offices that are members of the IP5: [Click here for more information.](#)

- ▶ An effective system for **combating counterfeiting**: France's legislation, its network of courts and professionals specialized in IP, and the various public and private entities dedicated to combating counterfeiting, including France's National Anti-Counterfeiting Committee (CNAC), provide a secure and reliable environment for the protection and enforcement of IP rights.
- ▶ In relation to the enforcement of IP rights: effectiveness of the **"infringement seizure"** procedure (*saisie-contrefaçon*).
- ▶ INPI is one of the few offices in the world that has taken all procedures relating to industrial property rights online, making processing more efficient. Online services strengthen the quality of INPI's exchanges with applicants, notably by allowing them to track the progress of their applications in real time.

INPI: Supporting businesses in their knowledge, skills and use of IP rights

A **national network** of IP experts present throughout France provides day-to-day support to businesses via a portfolio of services that is regularly updated and enhanced. These include:

- ▶ initiatives that encourage companies to think about protecting their intangible capital, such as the **IP pre-diagnosis** service designed and implemented by INPI, which has also helped to train experts on this topic in other regions of the world;
- ▶ more elaborate programmes like the **IP MasterClass**, which gives businesses the tools to develop a fully-fledged IP strategy, both for France and internationally;
- ▶ **INPI Coaching**, which includes a special start-up programme and a programme dedicated to public-private partnerships, to help companies protect their innovations more effectively.

An **international network** of regional counsellors specialized in IP, who are based in French embassies in 10 strategic locations around the world and cover around 100 countries in total. INPI's regional counsellors support French companies looking to establish a presence abroad, as well as foreign businesses interested in setting up operations in France.

INPI forges numerous **partnerships** with innovation ecosystem stakeholders in order to continue meeting companies' needs as effectively as possible.

INPI has partnered [French Tech](#) since its creation, working with FT 120 and Next 40 businesses to help them with their IP strategies.

Tax incentives relating to IP and R&D and affordable filing fees

France is the [No.1 OECD country](#) in terms of public funding and tax incentives for business R&D.

Numerous tax incentives encouraging R&D and innovation:

- ▶ a [research tax credit](#) (CIR), which helps all businesses finance their R&D and innovation activities, regardless of their sector or size;
- ▶ an [innovation tax credit](#) (CII), which enables SMEs to benefit from a tax credit equivalent to 20% of the expenses necessary for the design and/or creation of a prototype or the pilot installation of a new product, within a limit of €80,000 per year;
- ▶ "young innovative company" status, which grants a certain number of tax benefits to SMEs that are less than eight years old and spend at least 15% of their expense budget on R&D;
- ▶ "young university company" status, which is designed to encourage the creation of businesses by those involved in research work at higher education institutions;

- ▶ an "IP Box", also known as a "Patent Box", which enables companies to benefit from a reduced corporate income tax rate for R&D projects carried out in France.

Attractive filing fees:

- ▶ France has chosen to make filing and renewal fees affordable for everyone and offers smaller applicants a reduction on patent application fees.

The cost of filing an initial patent application in France, including an EPO search report, is around €650.

A 50% reduction on the main fees is granted to start-ups and SMEs: [Click here for more information](#).

- ▶ Consult the list of [applicable fees](#).

A strong French presence in the IP ecosystem

- ▶ A prominent position in international innovation and IP rankings: France continues to climb in the [Global Innovation Index \(GII\)](#) ranking and is on the verge of joining the Top 10. Its rise in the rankings reflects a national commitment to encouraging innovation.

- ▶ France is still the [second-most innovative country in Europe](#) and recorded a noteworthy increase in patent applications in 2021 (3.1%).

- ▶ French applicants ranked [fourth](#) in 2021 in terms of the number of international trademark applications filed using WIPO's Madrid System.

- ▶ French is one of the three official languages of the EPO.

- ▶ **Paris** will play a key role in the future **Unified Patent Court** (UPC) as the seat of the central division of the Court of First Instance. In addition, **the first President of the Court of First Instance** will be a French national.

- ▶ The future possibility of having **both a French patent and a unitary patent** for the same invention offers the advantage of cumulative protection.

A world-renowned IP training offering

► The Center for International Intellectual Property Studies (CEIPI) is located in the French city of Strasbourg. One of the world's largest academic institutions specializing in intellectual property, it attracts professionals from around the world.

► The French patent attorney training programme is recognized worldwide:

- Extremely selective nature of engineering schools
- High-quality training methods
- Solid basis in scientific principles

► France has one of the highest success rates in the European Qualifying Examination (EQE), which is required to become a European Patent Attorney: [Click here for more information](#).

IP professionals and the specialization of French courts

► Expertise of France's IP attorneys, a profession regulated by the French Intellectual Property Code

In France, IP attorneys are independent professionals who have earned a degree in science, engineering or law and received specialist legal training. They must satisfy a certain number of conditions in order to be included in the official list of people qualified in industrial property matters.

► Specialization in IP for lawyers

In France, lawyers can only claim to specialize in intellectual property if they have at least four years of experience and have passed an interview validating their skills.

► Organization of IP dispute resolution

In France, intellectual property disputes are only handled by certain specialized courts.

► Alternative methods for resolving IP-related disputes

- The [Paris International Court of Arbitration](#) (CAIP) helps companies of every size and nationality to resolve disputes through arbitration or mediation.

- France also has a [business mediation service](#), which is designed to help business leaders resolve disputes with other companies or with government agencies. The service is free, fast and confidential.