

RESOLUTION PASSED BY THE NAMED JUDGES
SPECIALISING IN PATENT LAW AT THE JUDGES' FORUM
HELD IN SAN SERVOLO, VENICE – OCTOBER 14–16 2005

Having regard to the large number of patents granted by the European Patent Office and in force in European countries (currently estimated at in excess of 700,000); and

Having regard to the necessity to enforce these patents nationally which is unduly expensive for patentees and may result in inconsistent decisions in different countries thereby creating barriers to trade; and

Having regard to the goals of the Lisbon Agenda of the European Community and the failure to date of the Member States of the EU to implement a Community Patent system; and

Having regard to the fact that even if an appropriate Community Patent system were to be implemented now, Community Patents will not be enforceable for many years and European Patents will continue to be granted.

WE

- (i) resolve that a practical way for European Patents to be enforced throughout the EU and member countries of the European Patent Convention within a reasonable time and at reasonable cost would be to convene a Diplomatic Conference with a view to implementing proposals broadly along the lines of those of the Working Party for a European Patent Litigation Agreement as soon as practicable; and**
- (ii) urge that Member States of the EU and Turkey and Switzerland co-operate in such endeavour whether by way of Enhanced Co-operation pursuant to Art II of EC Treaty or otherwise.**

Lord Hoffmann, House of Lords, UK	Dr M Tavassi, Supreme Court, Italy
Lord Justice Jacob, Court of Appeal, UK	Dr M Scuffi, Supreme Court, Rome, Italy
Dr P Meier-Beck, Federal Court, Germany	Ms G Muscolo, High Court, Rome, Italy
Dr K Jürgen Melullis, Federal Court, Germany	Hon Judge I Sancho Gargallo, President of the 15 th Section of the Audiencia Provincial de Barcelona, Spain
Dr K Grabinski, Düsseldorf Regional Court, Germany	Hon Judge L Rodriguez Vega, Juzgado Mercantil No. 4 de Barcelona, Spain
Mr E Numann, Supreme Court of the Kingdom of the Netherlands, The Netherlands	Dr D Brändle, Commercial Court of Zurich, Switzerland
Mr R Van Peursem, Court of First Instance, The Hague, The Netherlands	Mr F Nyffeler, Bundesrichter, Schweizerisches Bundesgericht, Switzerland
Mr J Brinkhof, Former Vice President of the Court of Appeal, The Hague, The Netherlands	Mr Maurer, Commercial Court of Bern, Switzerland
Madame C Vallet, Presiding Judge, Tribunal de Grande Instance, Paris, France	Dr A Knecht, Commercial Court of Aargau, Switzerland
Judge J Feilberg, President of the Maritime and Commercial Court, Denmark	Prof. Dr Leuenberger, Commercial Court of St Gallen, Switzerland
Judge T Norström, District Court of Stockholm, Sweden	Mr I Gunes, Judge, Ismir, Turkey
Mr B Nilsson, Retired District Court Judge, Sweden	Mr T Alica, Judge, Ankara, Turkey