

EPLAW

European Patent Lawyers Association

YEARBOOK

2006 – 2007

(Editor : F. de Visscher, Past Secretary to the Association)

Association européenne d'avocats spécialisés dans le contentieux des brevets d'invention
Europäische Vereinigung der Patentrechtsanwälte

Siège : Avenue Louise, 149 (boîte 20) 1050 BRUXELLES - BELGIQUE
Association sans but lucratif (Loi du 27 juin 1921)

Dear Colleagues

When I wrote the foreword to the 2006 Yearbook I reported that the EPLA project had had a good year. The response to the Commissions' 2006 Questionnaire was overwhelming in support of EPLA and the Judges at Venice had just produced a workable set of procedural rules.

I did however note that there was a risk that the EPLA project would be "communitised". That fear has to some extent materialised, not as a result of the actions of the Commission but rather as a result of a small, but significant, group of member states who announced their opposition to EPLA in early 2007. The significance of this number of member states is, we are told, that the necessary majority support within the EU does not exist for EPLA. It seems that the EPLA project as originally conceived is now dead. This was in fact reported at the last Venice meeting in November by Dr. Fröhlinger from the Commission who is now charged with assisting the Portuguese Presidency to find a satisfactory alternative jurisdictional regime for Europe. The latest Portuguese proposals will be reported on at our 2007 Congress. They were given a cautious but positive reception by the Judges.

I must say that I approach the 2007 Congress, my third as President, with mixed feelings. I am proud that our small organisation has now become a powerful voice in Europe in respect of patent law development; it is vital that the views of practitioners are heard alongside those of the users if we are to have a patent system that works. I am however sad that this will be my last Congress as President. I have enjoyed the last three years enormously with the support of wonderful colleagues on the Board. The Board will recommend Willem Hoyng to be the next President of EPLAW. I believe that under his leadership our organisation will continue to grow in influence. I wish Willem well and I shall remain on the Board to support him.

I look forward to seeing you all in Brussels.

Kevin Mooney
President

12th November 2007

EPLAW Congress

President's Report

20 November 2006

Kevin Mooney

Simmons & Simmons

EPLAW Congress - President's Report

■ EPLAW CONGRESS 2006

■ GUESTS:

- Lord Justice Jacob
- Judge Meier-Beck
- Chris Mercer
- Erik Nooteboom
- Friedrich Oelschlager
- Stefan Luginbuehl
- Vinciane Vanovermeire
- Ivan Verhoegstraete
- Jan Willems
- Prof. Damien Geradin
- Paul Lugard
- Hans Pegt
- Dr. Heike Lörcher
- Bill O'Brien
- Dr. Jochen Bühling
- Pierre-Yves Charles

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2/1FA2E6E

EPLAW Congress - President's Report

■ EPLAW's MAIN OBJECT:

- "Consistent and cost-effective enforcement of patent rights throughout Europe in one court offering local access to patentees and a simple language regime."

■ PROGRESS IN 2006

- GAT -v- LUK
 - Roche -v- Primus
- } 13 July 2006: A step back?
- EPLA
 - Judges' Resolution October 2005 - 29 Judges
 - Thessaloniki Declaration 16 September 2006 - additional 45 signatures
 - Commission Questionnaire on the Patent System in Europe (Section 3) 16 January 2006

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3 / 1FAZE6E

EPLAW Congress - President's Report

- Brussels Meeting - 12 July 2006:
 - "[EPLA] is a promising route towards [a] more unitary jurisdiction" per C McCreedy
- C McCreedy's speech to the European Parliament - 28 September 2006
 - "A solid legal framework is essential. I must repeat this: we need to keep up. Compared to our major trading partners, Europe is losing ground.."
 - "... there is a strong call for the improvement of the existing European Patent system... by the successful conclusion of a... EPLA..."
 - "... the Community needs to get involved in EPLA..."

BUT

- "I recognise that there are legitimate doubts and concerns... [including] the impact of the rules of procedure which we have yet to see..."

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4 / 1FAZE6E

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- AIPPI Resolution dated 11 October 2006
 - "Urges the member states of the [EPC]... to adopt EPLA... as early as possible"
- European Parliament Resolution on Future Patent Policy in Europe dated 12 October 2006
 - "Urges the Commission to explore all possible ways of improving... patent litigation systems in the EU including participation in... EPLA"

BUT

- "as regards the EPLA, considers that the proposed text needs significant improvements, which address concerns about democratic control... and a satisfactory proposal for the Rules of Procedure of the EPLA Court."

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5 / 1FA2E8E

EPLAW Congress - President's Report

- Venice II Resolution re. Rules of Procedure - 04 November 2006
- FUTURE:
 - Commission Policy Statement re. EPLA and the Community Patent - ? November 2006
 - German Presidency: EPLA Conference - ? June 2007
- COMMISSION QUESTIONNAIRE
 - Detailed Response in March 2006
 - Attendance at Public Hearing, July 2006
- VENICE II FORUM: 02-04 NOVEMBER 2006
 - Resolution on Rules of Procedure
 - Mock Trial
 - Future of Venice?

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6 / 1FA2E8E

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■ WEBSITE

- Refreshed
- Blog-site to come

■ MEMBERSHIP & FEES

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7/1FA266E

