

## European Patent Lawyers Association

### *Resolution concerning concentration and specialisation of national patent courts*

EPLA, the Europe-wide non-profit organisation of lawyers specialised in patent litigation,

Having considered the following:

- that for many industrial enterprises, in particular small and medium-sized, national and European patents will still be widely used in the future, even beside the Community patent;
- that in the Community patent system itself the national courts will have jurisdiction for hearing the cases, at least in a first period;
- the wish of the industry and generally of all those involved in patent cases for specialised and experienced judges;
- the positive results in terms of quality and speed in the countries where only a limited number of courts has jurisdiction over patent cases, either by virtue of the statutory judicial organisation (*de jure* concentration) or as a consequence of the practitioners' choice to go by preference to the courts known for having experience in this field (*de facto* concentration);
- that even in countries where only a small number of courts deal with patent cases, the practitioners feel the need, and express the wish, to further reduce the number;
- that the existence of a very small number of specialised national patent courts would also facilitate it to leave European and Community patent litigation of first instance with existing national courts.

Recommends :

- 1) that in each European country the number of courts having jurisdiction in patent matters be reduced to a very minimal number, in most countries to one court only, and
- 2) that within these courts, the patent cases be brought systematically before the same chamber and the judges be given the possibility to stay in office for a reasonably long time in that chamber and thereby to acquire experience;
- 3) that at least in the interim period before the establishment of a European patent court system specialised national judges become more acquainted with patents and exchange their views;
- 4) that EPLA members in their countries work for the achievement of such concentration and specialisation.

And suggests that the appropriate European authorities take the necessary steps to that end with respect to the EU member states.

Adopted during the EPLA congress in Brussels, 21 November 2003