DECLARATION
THE PARTICIPANTS, IDENTIFIED BELOW, OF THE 13TH EUROPEAN PATENT JUDGES' SYMPOSIUM HELD FROM THE 12TH TO THE 16TH SEPTEMBER 2006 IN THESSALONIKI, HAVING SEEN THE RESOLUTION PASSED AT THE JUDGES FORUM HELD ON SAN SERVOLO IN VENICE ON 14-16 OCTOBER 2005, A COPY OF WHICH IS ATTACHED, WISH TO ASSOCIATE THEMSELVES WITH THE TENOR OF THAT RESOLUTION (WITH THE UNDERSTANDING THAT PARAGRAPH (ii) OF THAT RESOLUTION SHOULD APPLY TO ALL MEMBER STATES OF THE EPC)

Name                                                                 Country
Bakatselou, Vassiliki  Lawyer, European Patent Attorney  Greece
Belfort, Elisabeth   Vice-Président du Tribunal de Grande Instance de Paris, 3ème  France
Benussi, F.        Director, Legal Research & Administration, DG3  EPO
Bialkowicz, Boleslaw Rapporteur in Litigation Panels, Polish Patent Office  Poland
Boutz, Christina   Judge of appeal, Head of Division, Svea Court of Appeal  Sweden
Choutopoulos, Christos President of First Instance Court, Administrative Court of Athens  Greece
Corboz, Bernard   Vice-Président, Tribunal Fédéral  Switzerland
Costeira, Maria José  Judge, Commercial Court of Lisbon  Portugal
Devaud, Daniel   Juge, Cour de Justice de la République et Canton de Geneve  Switzerland
Di Cerbo, Vincenzo  Italian Supreme Court  Italy
Dorn, Michael     High Court Judge, Ostre Landstret  Denmark
Driessen, Jos    Senior Legal Adviser Netherlands Patent Office  Netherlands
Fasseur-van santen, Josina  Vice-President Court of Appeal of the Hague  Netherlands
Galligani, Leonardo  Chairman Technical Board of Appeal  EPO
Gauye, Fabienne  Lawyer, International legal Affairs, DG5  EPO
Gehlen, Pierre    Président du Tribunal d'Arrondissement de Luxembourg  Luxembourg
Griss, Irmgard    Vizepräsidentin des Obersten Gerichtshofs  Austria
Grootoont, Roel   Deputy Judge, Court of Appeal  Netherlands
Günzel, Brigitte  Chairman Legal Board of Appeal  EPO
Isak-Gudelj, Irma  Patent Expert Institute for Intellectual Property  Bosnia and Herzegovina
Joos, Ulrich    Principal Lawyer, International Legal Affairs, DG5  EPO
Kalavsky, Deszo  Patent Judge, Budapest Metropolitan Court  Hungary
Kitchin, David  Judge at the Royal Courts of Justice  United Kingdom
Klett, Kathrin  Bundesrichterin, Schweizerisches Bundesgericht  Switzerland
Kolle, Gert  Former Principal Director in International Legal Affairs, DG5
Landwerlin, Jean-François  Premier Président honoraire de la Cour d’Appel, Conseiller juridique auprès du Ministère d’Etat  EPO
Laszlone Dukay, Marta  Technical Judge Budapest Metropolitan Court  Hungary
Linder, Alf  President, Court of Patent Appeals  Sweden
Lutz, Raimund  Präsident des Bundespatentgerichts  Germany
Menapace, Richard  Legal Member of the Boards of Appeal  EPO
Messerli, Peter  Vice-President DG3 and Chairman Enlarged Board of Appeal  EPO
Mislik, Gerhard  Senatsvorsitzender Fuerstliches Obergericht  Liechtenstein
Nathanael, Stelios  President of the Nicosia District Court  Cyprus
O’Connell, Richard  Chairman Technical Board of Appeal  EPO
Ohan, Petre  Director, Appeals and Policy Making Directorate, State Office for Inventions & Trademarks  Romania
Parac, Kamelija  Judge, High Commercial Court  Croatia
Perroti, Kalliopi  Attorney at law  Greece
Pezard, Alice  Président de chambre à la Cour d’Appel de Paris  France
Poalas, Konstantinos  Member Technical Board of Appeal  EPO
Stauder, Dieter,  Prof. ass. Université Robert Schumann, Strasbourg  France
Steiner, Hans-Jürg  Präsident Handelsgericht des Kantons Bern  Switzerland
Stenvik, Are  Vice Chairman of the Board of Appeal Norwegian Patent Office  Norway
Thomsen, Hans Christian  High Court Judge, Østre Landstret  Denmark
Vignevic, Lidija  Director Institute for Intellectual Property  Bosnia and Herzegovina
Willems, Jan  Legal Member of the Boards of Appeal  EPO
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.

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Lord Hoffmann, House of Lords, UK
Lord Justice Jacob, Court of Appeal, UK
Dr P Meier-Beck, Federal Court, Germany
Dr K Jürgen Melullis, Federal Court, Germany
Dr K Grabinski, Düsssoldorf Regional Court, Germany
Mr E Numann, Supreme Court of the Kingdom of the Netherlands, The Netherlands
Mr R Van Peursem, Court of First Instance, The Hague, The Netherlands
Mr J Brinkhof, Former Vice President of the Court of Appeal, The Hague, The Netherlands
Madame C Vallet, Presiding Judge, Tribunal de Grande Instance, Paris, France
Judge J Feilberg, President of the Maritime and Commercial Court, Denmark
Judge T Norström, District Court of Stockholm, Sweden
Mr B Nilsson, Retired District Court Judge, Sweden
Jan Willem du Pon, Vice President of District Court of The Hague
Edgar Brinkman, Judge at District Court of The Hague
Mr Steinacker, Presiding Judge, Patent Senate, Oberlandsgericht, Düsseldorf

Dr M Tavassi, Supreme Court, Italy
Dr M Scuffi, Supreme Court, Rome, Italy
Ms G Muscolo, High Court, Rome, Italy
Hon Judge I Sancho Gargallo, President of the 15th Section of the Audiencia Provincial de Barcelona, Spain
Hon Judge L Rodríguez Vega, Juzgado Mercantil No. 4 de Barcelona, Spain
Dr D Brändle, Commercial Court of Zurich, Switzerland
Mr F Nyffeler, Bundesrichter, Schweizerisches Bundesgericht, Switzerland
Mr Maurer, Commercial Court of Bern, Switzerland
Dr A Knecht, Commercial Court of Aargau, Switzerland
Dr A Knecht, Commercial Court of Aargau, Switzerland
Prof. Dr Leuenberger, Commercial Court of St Gallen, Switzerland
Mr I Gunes, Judge, Ismir, Turkey
Mr T Alica, Judge, Ankara, Turkey
Christo Hensen, Vice-President of District Court of The Hague
Juiz Desembargador Eurico José Marques dos Reis, 1ª seção do Tribunal da Relação de Lisboa
Mr Steinacker, Presiding Judge, Patent Senate, Oberlandsgericht, Düsseldorf