

## Congress 2004

### Resolution regarding Art. 22.4 of the EC 44/2001 Regulation and cross border litigation

The European Patent Lawyers Association (EPLA) the membership of which comprise the lawyers active in patent litigation in Europe with experience in cross border litigation has, during its annual Congress in Brussels on November 8, 2004, discussed the opinion of Advocate General Geelhoed of September 16, 2004 in the case C – 4 / 03 of the European Court of Justice.

Members of EPLA are alarmed by the consequences of a decision of the ECJ following that opinion, because such a decision could severely restrict cross border litigation, forcing an owner of a European patent to enforce his patent separately in all States. This will multiply the costs of patent enforcement.

If such a situation arises, EPLA believes it would be necessary to change Regulation 44/2001 to allow for cross border litigation where the defendant raises the defence of the nullity of the patent.

Brussels, 8 November 2004

The Secretary

The President

Fernand de Visscher

Kevin Mooney