

## Resolution Venice IV

---

The Intellectual Property Judges Association members and other European patent judges assembled at the fourth European Judges' Forum at Venice welcome the progress made towards a European Patent Court system and for a Community Patent.

We regret a certain slowdown in possible further progress and urge all member states of the European Union to give full support to both initiatives.

We believe that the difficult technical questions implied in patent litigation and patent revocation should be dealt with by the proposed European Judiciary on the first and second instance level and that the European Court of Justice should not be burdened with more than its traditional role of answering preliminary references from the Appeal Court.

For a speedy and effective procedure it is highly desirable that the technical aspects and all relevant legal questions of the case are presented to the court at least by attorneys who are fully entitled to represent parties in ordinary civil proceedings in the court of first instance of the convention states (Venice II Resolution XI 5).

For the local and regional division of the European Patent Court it will be important for the court to have the discretion at the request of one party to decide whether the local language should be used or whether it is in the best interest of the parties and the case to use another language such as the language of the patent.

If it will not be possible to win the support of all EU-member states for the proposed court-system and the Community Patent, both projects should be realised by using the possibilities of an Enhanced Cooperation foreseen by the EC-Treaty.

Considering the most recent developments of a Patent Judiciary in countries like Japan and China, the time is ripe for an effective and high quality unified European Patent Judiciary with a decentralised First Instance and a centralised Appeal Instance.

15 November 2008