

**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)**

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Name		Country
Bakatselou, Vassiliki	Lawyer, European Patent Attorney Vice-Président du Tribunal de Grande Instance de Paris, 3ème	Greece
Belfort, Elisabeth		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
Grootoink, 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	EPO
Landwerlin, Jean-François	Premier Président honoraire de la Cour d'Appel, Conseiller juridique auprès du Ministère d'Etat	Monaco
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 Director, Appeals and Policy Making Directorate, State Office for Inventions & Trademarks	EPO
Ohan, Petre		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, Strassbourg	France
Steiner, Hansjürg	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, Ostre 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 SERVULO, 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	Dr M Tavassi, Supreme Court, Italy
Lord Justice Jacob, Court of Appeal, UK	Dr M Scuffi, Supreme Court, Rome, Italy
Dr P Meier-Beck, Federal Court, Germany	Ms G Muscolo, High Court, Rome, Italy
Dr K Jürgen Melullis, Federal Court, Germany	Hon Judge I Sancho Gargallo, President of the 15 <sup>th</sup> Section of the Audiencia Provincial de Barcelona, Spain
Dr K Grabinski, Düsseldorf Regional Court, Germany	Hon Judge L Rodriguez Vega, Juzgado Mercantil No. 4 de Barcelona, Spain
Mr E Numann, Supreme Court of the Kingdom of the Netherlands, The Netherlands	Dr D Brändle, Commercial Court of Zurich, Switzerland
Mr R Van Peurse, Court of First Instance, The Hague, The Netherlands	Mr F Nyffeler, Bundesrichter, Schweizerisches Bundesgericht, Switzerland
Mr J Brinkhof, Former Vice President of the Court of Appeal, The Hague, The Netherlands	Mr Maurer, Commercial Court of Bern, Switzerland
Madame C Vallet, Presiding Judge, Tribunal de Grande Instance, Paris, France	Dr A Knecht, Commercial Court of Aargau, Switzerland
Judge J Feilberg, President of the Maritime and Commercial Court, Denmark	Prof. Dr Leuenberger, Commercial Court of St Gallen, Switzerland
Judge T Norström, District Court of Stockholm, Sweden	Mr I Gunes, Judge, Ismir, Turkey
Mr B Nilsson, Retired District Court Judge, Sweden	Mr T Alica, Judge, Ankara, Turkey
Jan Willem du Pon, Vice President of District Court of The Hague	Christo Hensen, Vice-President of District Court of The Hague
Edgar Brinkman, Judge at District Court of The Hague	Juiz Desembargador Eurico José Marques dos Reis, 1 <sup>a</sup> secção do Tribunal da Relação de Lisboa
Mr Steinacker, Presiding Judge, Patent Senate, Oberlandsgericht, Düsseldorf	