



Resolution of the Executive Committee, Vancouver, Canada 12-16 June 2000

Resolution B: “Uniform Procedure for Patent Enforcement”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee and World Congress held in Vancouver, Canada, 12-16 June 2000, passed the following Resolution:

Noting the progress towards multinational harmonisation demonstrated by adoption of the WIPO Patent Law Treaty relating to certain formal provisions and procedures for obtaining and maintaining patents for inventions,

Noting the establishment of several regional patent systems and, in particular, the successful growth, popularity and continuing development of the European Patent system, and

Observing that that involved harmonisation of the substantive patent laws of the EPC member states as well as acceptance of unitary procedures for obtaining the grant of European patents,

Confirming the call for harmonisation of substantive patent laws on a multinational scale as being in the interests of the users of the patent system including individual inventors and small and medium sized industries,

Recognising

- a) the frustration of business at the complexity and cost in both time and money of litigation, especially when conducted under differing legal systems, and
- b) that the significant progress that has been made towards harmonizing patent application procedures has not been matched by progress towards harmonization of enforcement and that that tends to encourage the obtaining of patents, at least in some jurisdictions, that may be unenforceable or invalid,

Noting also the work being done by the judiciary and the governments of the EPC member states to develop unitary procedures for resolving disputes concerning questions of validity and infringement of European Patents, and

Noting the successful establishment and working of specialist patent courts, for instance in the USA of the Court of Appeals for the Federal Circuit;

Resolves that international and regional authorities, governments and judiciaries should take steps to establish a uniform standard for determining the scope of protection afforded by a patent.