



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FEDERATION  
VON PATENTANWÄLTEN

## Resolution of the Executive Committee, Rome, 6-9 November 2011

### “Voluntary Filing and Publication of Translations for the European Patent with Unitary Effect”

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Rome, Italy, from 6 to 9 November 2011, passed the following Resolution:

**OBSERVING** that the current drafts for the Council Regulation “implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements” (hereinafter “Unitary Patent Translation Arrangements Regulation”) stipulate<sup>1</sup> that in the case of a dispute concerning a claim for damages, the court hearing the dispute shall take into consideration that the alleged infringer may have acted without knowing or having reasonable grounds to know that he was infringing the patent before having been provided with the translation thereof;

**BELIEVING** that this may lead to a weakened patent right in a participating Member State;

**STRESSING** that there should be balanced and appropriate measures available in this system for the patentee to prevent such weakening;

**URGES** the authorities involved in drafting the final version of the Unitary Patent Translation Arrangements Regulation to include the possibility for a patentee to file voluntary translations to a competent authority which shall officially publish these translations to overcome the potential weakening of the patent right stipulated in the draft<sup>2</sup>.

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<sup>1</sup> in Article 4(4) in st16016/11 of 26 October 2011

<sup>2</sup> Article 4(4)