



EXCO/SG04/RES/5

Community Patent Translations

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of nearly eighty countries, assembled at its Executive Committee held in Singapore from February 1 to February 3, 2004, passed the following Resolution:

**Considering** that in principle a Community Patent ("CP") in Europe would afford innovators a powerful right to stop infringers throughout all the member states of the European Community,

**Having regard to** the position of third parties under such a CP system, and **believing** that third parties must be protected from losing their investments in economical projects owing to unreasonable consequences of the rights granted to CP owners, and

**Noting** that the current proposals for a CP might lead to such an imbalance as far as the timing, scope and effect of the translation of the CP claims into the official languages of the member states are concerned,

**Resolves** that claim translations in the official languages of the member states provided after grant of a CP should be provided to the public at the latest when an opposition against a CP is still possible,

**Further resolves** that a translation of the claims of a CP in a given language should be legally binding in the member state or states having such language as an official language, and that intermediate user rights of third parties must be protected in cases of inaccurate translation,

**And resolves** that the remedies available to the owners of CPs should be balanced with the extent to which the CP documents are translated and in particular that interim injunctions and damages should not be granted to a CP owner until an alleged infringer has had sufficient time to become aware of the CP owner's rights in his own official language.