Intellectual Property in front of the CJEU

17th EIPIN Congress

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Economic importance of IP

IP intensive industries generate

• 39% GDP
• 90% EU exports
• 26% jobs (direct)
• 40% higher wages
IP Case law (1)

- OHIM – BoA 27,615 decisions
- CJEU 1,730 decisions/judgments
  (inducing GC) 374 orders
- TM judgments in EU 1,200,000
- Designs 52,000
- Copyrights 34,000
- Patents 780,000
IP Case law (2)

• Confirmation 1st Instance by BoA +80%; +65%
• Approx. 10% of OHIM-BoA decisions appealed
• Over 80% confirmed (decision GC)
• Chance to obtain reversal by CJEU?
Questions

• What is a specialised court?
• Limit role of GC to control of legality?
• Structure of control system?
• Level of motivation?
• ARCOL/CAPOL saga: need for 4 levels of decision in EUTM system?
Convergence

• Jurisprudence of CJEU cannot solve all questions

• Need convergence between IPOs, procedures, …

• Involvement of all stakeholders

• Transparency of procedure and results
Future needs

- Convince judges of importance of IP
- Give judges all instruments they need
- Networking by judges
- UPC/CJEU: trust and respect relation
Thank You

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Thank You