



Intellectual Property in front of the CJEU

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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 (including GC)	1,730 decisions/judgments 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



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