

12 MARZO 2014

RIUNIONE GRUPPO RISTRETTO DEL SICPI (SINDACATO NAZIONALE CONSULENTI IN PROPRIETA' INDUSTRIALE)

Oggetto: ANALISI DOCUMENTO "RULES ON THE EUROPEAN PATENT LITIGATION CERTIFICATE AND OTHER APPROPRIATE QUALIFICATIONS"

Dopo aver analizzato il documento in oggetto il gruppo ristretto del SICPI si permette di sottoporre le seguenti osservazioni e commenti.

MAIN ISSUES:

PART I: European Patent Litigation Certificate

RULE 6 - 8 : EDUCATIONAL BODIES, REQUEST FOR ACCREDITATION, EXAMINATION OF THE REQUEST ...

The SICPI group considers that the limitation:

- only "UNIVERSITIES ... SHALL BE ACCREDITED TO OFFER THE COURSE";

Could be such to render impossible to organize the courses in Italy, due to constraints imposed to Italian universities.

The SICPI group believes that thanks to the obligations imposed by Rules 7 and 8, "**PRIVATE INSTITUTIONS**" **SHALL "BE ACCREDITED TO OFFER THE COURSE"**.

PART II: Other Appropriate Qualifications

RULE 11: LAW DIPLOMAS

The SICPI group considers the expression "OR AN EQUIVALENT STATE EXAM IN LAW OF A MEMBER STATE OF THE EUROPEAN UNION" not clear.

The group suggests to amend the above expression as follows:

- OR AN EQUIVALENT STATE EXAM AT LEAST IN PATENT LAW OF A MEMBER STATE OF THE EUROPEAN UNION; and

- Preferably, to add to Rule 11 A LIST OF "EXAM AT LEAST IN PATENT LAW" wherein is included the ITALIAN STATE EXAM FOR BECOMING ITALIAN PATENT ATTORNEY.

As you know the exam for becoming Italian Patent Attorney at Ar. 2 of the Public Notice (annexed hereto) requests to cover the subject matter listed in RULE 3 of the RULES ON THE EUROPEAN PATENT LITIGATION CERTIFICATE.

Therefore the SICPI Group believes that "OTHER APPROPRIATE QUALIFICATIONS" SHALL COMPRISE "EUROPEAN PATENT ATTORNEYS HAVING PASSED PATENT SECTION OF ITALIAN STATE EXAM FOR BEING LISTED AS ITALIAN PATENT ATTORNEYS".

RULE 12: TRANSITIONAL PERIOD

The SICPI group considers Par (2) not clear and incomplete.

As a matter of fact in the expression:

- has represented a party in at least two patent infringement actions, initiated before a national court of a Contracting Member State within the four years preceding the application for registration;

Shows the following main issues:

- Italian Judge Assistant are missing;
- the time limit seems inappropriate for Italian suits, the length thereof could be very long.

The SICPI group suggests to amend main issues of Par (2) of Rule 12 as follows:

- has represented a party or assisted a Judge in at least two patent infringement actions, initiated before a national court of a Contracting Member State ~~within the four years preceding~~ before the application for registration.

MINOR ISSUES:

RULE 12 (2)

The SICPI group believes that Par (2) of Rule 12 could be further amended as follows:

- has represented a party or assisted a Judge in at least two patent ~~infringement~~ actions according to Art. 32 a-h, initiated before a national court of a Contracting Member State ~~within the four years preceding~~ before the application for registration.

As a matter of fact only referring to infringement actions seems to have an excessive limiting effect.

RULE 13: REQUEST FOR RECOGNITION OF OTHER APPROPRIATE QUALIFICATIONS

The SICPI group considers Rule 13 (3) c) not clear.

- c) date of issue of the proceedings.

As a matter of fact the expression used is not aligned to the expression used into Rule 12 and not clear.

The group suggests to amend the expression as follows:

- c) date ~~in which of issue of~~ the proceedings have been initiated.

Il gruppo SICPI si augura che I commenti di cui sopra siano di supporto per migliorare il documento in oggetto.

Cordiali saluti

Gruppo Ristretto SICPI

