

# Report Q185

## Enforcement of IP Rights

### Composition of the Committee

Chairman	Alexander HARGUTH	Germany
Co-Chairman	Ikuko SHIMOGAWARA	Japan
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Members	Bo JOHANSSON	Sweden
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	Janusz FIOŁKA	Poland

The Committee met at the Boston Congress in September 2008. During the meeting the members of the Committee suggested topics for further studies. One topic concerned the usefulness of specialized courts for IP matters. However, thanks to a debate during the Boston Congress, particular interest has been paid to a special issue of judicial patent enforcement, namely the relationship of post grant opposition proceedings and patent infringement proceedings. This relationship could be decisive for the effectiveness and successfulness of a patent enforcement system. Different legal approaches in the countries of the world could generate different results and there might be an interest in harmonization.

Accordingly, the Members of the Committee decided to focus the study on the relationship between post grant opposition proceedings and patent infringement proceedings. Subsequently the members worked on and recently adopted a proposal for a questionnaire. This questionnaire is aimed at getting a more detailed insight from the National Groups. The proposal will be submitted to the *Rapporteur* General of the AIPPI and the Program Committee during the AIPPI Forum and EXCO 2009 of Buenos Aires for acceptance.

The Committee expects to get from the answers to the questionnaire a deeper insight on national practices and laws. The outcome of the study would form the basis for a debate at the Paris Congress in 2010 which should result in a resolution.