

QUESTION 153

Hague Conference on Private International Law

38th Congress of Melbourne, March 23 - 30, 2001

Q153

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Hague Conference on Private International Law

Resolution

ON THE ENVISAGED HAGUE CONVENTION ON JURISDICTION AND FOREIGN JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

AIPPI,
OBSERVING

that the Special Commission of the Hague Conference on Private International Law adopted a preliminary draft for a Convention on jurisdiction and the recognition and enforcement of foreign judgments in civil and commercial matters (the "Convention") at its meeting of 25-30 October 1999, which draft-Convention contains an Article 12, paragraphs 4, 5 and 6, on exclusive jurisdiction in respect of industrial property rights required to be deposited or registered,

that AIPPI consulted its National and Regional Groups on the draft-Convention, especially on Article 12, paragraphs 4, 5 and 6, by means of a Questionnaire dated 15 November 2000,

that, having regard to the conclusions in the International Report of Special Committee Q 153 dated 15 March 2001, there is no consensus within AIPPI on the fundamental question as to the scope of the exclusive jurisdiction at this moment, it being noticed that such consensus not only fails within AIPPI but in the current international theatre as a whole,

that in view of the present lack of international consensus, intellectual property matters should be excluded from the substantive scope of the envisaged Convention and that, by consequence, Article 12, paragraph 4, 5 and 6, should be deleted,

that, at the same time, AIPPI recognises the growing importance and complexity of the private international law aspects of intellectual property matters. AIPPI realises that it is desirable to examine and to set an international regulation in this respect and that the envisaged Convention is the most appropriate vehicle for such regulation,

that AIPPI therefore favours the conscientious elaboration of a specific protocol on intellectual property to be added to the Convention in due time,

RECOMMENDS

to exclude intellectual property matters from the substantive scope of the envisaged Convention and to delete Articles 12, paragraph 4, 5 and 6, and

CALLS ON

the Hague Conference on Private International Law to elaborate a specific protocol on intellectual property to be added to the envisaged Convention in due time.
