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My Wishlist for the Upcoming Holidays

Thorsten Bausch (Hoffmann Eitle) · Saturday, December 24th, 2016

Christmas is the time of good wishes. Here is my personal wishlist.

1. Peace!
2. That we all consent that there is human dignity and that it is inviolable and independent of race, colour, origin, gender and language. And that we act accordingly and acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.
3. That we all agree that among these rights are personal freedoms, equality before the law, freedom of faith and conscience, freedom of expression, arts and sciences, freedom of assembly, inviolability of the home, right of asylum for persons persecuted on political grounds, and property rights, the latter with the constraint that its use shall also serve the public good (which should likewise apply to intellectual property rights).
4. That we agree that a state with a clear separation of powers, including an independent judiciary that is only bound to law and justice, is best suited to safeguard these human rights.
5. That we therefore all work to safeguard an independent judiciary and provide it with the necessary resources to exercise its function effectively and competently.
6. That in particular the European Patent Office and its Administrative Council will now finally fill up the many vacant positions in the current Technical Boards of Appeal, establish new Technical Boards of Appeal and make every effort to bring down the average duration of appeal proceedings to a maximum of 1-2 years. My hopes, congratulations and best wishes particularly extend to the newly appointed [President of the Boards of Appeal](#), Mr. Carl Josefsson.
7. That the German Ministry of Justice will stop cutting positions for judges at the Federal Patent Court and in lieu thereof devote adequate human resources to this important court so that it is able to continue exercising its vital function as first instance for nullity matters and as patent appeal court.
8. That adequate accompanying legislative measures will be taken to enable first instance nullity decisions being issued within about 1 year, e.g. by shrinking the number of judges sitting on a nullity case to three (rather than five).
9. That the German “injunction gap” will be closed, i.e. that it will no longer be possible to enforce

a first instance infringement decision without a confirmatory validity decision in contentious proceedings.

10. That 2017 will be a happy, healthy and prosperous year for all readers!

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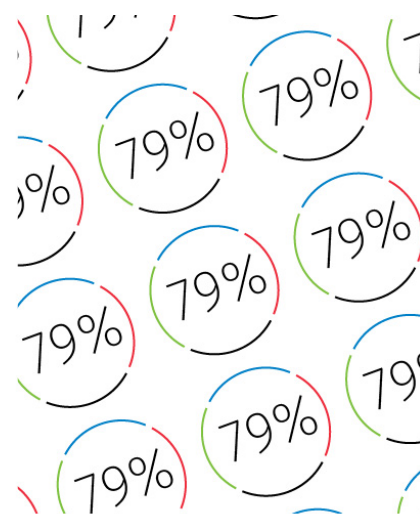
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This entry was posted on Saturday, December 24th, 2016 at 12:59 pm and is filed under [EPC, Germany](#)

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