Discussion round 3
Accessing court decisions on patents - what are the best resources and how does ECLI help?

Chair: Alexander Ivantchev, European Commission
EPO expert: Ignacio Muñoz Ozores
Note-taker: Sofie Leplae
INTRODUCING ECLI AND THE SEARCH ENGINE

ECLI: a new European standard for case law

• Defined in the ECLI Council Conclusions, 2011

• An entirely new univocal identifier - ECLI:EU:C:1982:335:

  • **ECLI:** - self-identifier
  • **ECLI:EU:** - country or institutional code
  • **ECLI:EU:C:** – code of the issuing court
  • **ECLI:EU:C:1982** – the year of the decision
  • **ECLI:EU:C:1982:335** – the ordinal number of the decision

• Already adopted in data repositories of: the CJEU, the ECHR, the EPO BoA, CZ, DE, EE, EL, ES, FR, HR, IT, LV, NL, AT, PT, SI, SK, FI. Adoption in BE, BG, DK, CY and RO is in ongoing

• A set of standardised metadata
The ECLI Search Engine

- Launched in May 2016 by the EU Commission, via the e-Justice Portal
- Multilingual, decentralised search engine for case law in Europe
- Providing access to more than 6 million decisions
- Based on a common XML sitemap protocol
EPO and the ECLI

β EPO supports the ECLI to cite/search case law in the patent field

β Provides ECLI sitemap with EPO decisions metadata
  epo.org/ecli-sitemap

β Contributes to the ECLI search engine (approx. 34,000 decisions)
Outcome of discussion: challenges

- Search for court decisions on patents still based on various sources

- Decisions related to ‘patent law’ or ‘intellectual property rights’ are not necessarily well-categorized. For example they may fall in the general ‘civil law’ category

- National patent offices have not yet linked their national databases on patent-related case law to the ECLI Search Engine
Outcome of discussion: suggestions for improvement

- Ensure complete coverage from courts related to patents/IP rights

- Define a clear definition of the concept of ‘case law’ provided by the ECLI service

- Provide a service description on the court coverage and time coverage per court

- Enhance metadata with:
  - Complete reference patent numbers
  - Better granularity on the actors in the proceedings – e.g. judges names

- Promote the use of ECLI and the ECLI search engine
Thank you for your attention