



**Summary of the implementation of Directive 2004/48 on the enforcement of intellectual property rights (the “Directive”) in EU Member States as per October 2006**

*N.B. There is no single source which confirms whether the Directive has been implemented in member states and the table below is based on information available from a variety of sources.*

As per October 2006, implementation has taken place in just 12 of the 25 EU Member States.

<b>Country</b>	<b>Implemented?</b>	<b>Further details</b>
Austria	Yes	No
Belgium	No	Government published a draft bill on implementation on 04 April 2006.
Cyprus	Yes	No
Czech Republic	Yes	Act 221/2006.
Denmark	Yes	No
Estonia	Yes	No
Finland	Yes	No
France	No	No documents are publically available.  The new draft law was presented to the Prime Minister in April 2006. The parliament will be reviewing the text of the draft law in the autumn, however a date has not yet been set for this.
Germany	No	German ministry of justice has published a draft bill (Referentenentwurf für ein Gesetz zur Verbesserung von Rechten des geistigen Eigentums vom 3 Januari 2006). The federations have not yet given their opinions. Also, the federal government has still to produce a draft (Regierungsentwurf) which must be submitted to the Bundestag and Bundesrat.  [A revised draft is expected towards the end of 2006. – <i>From information available in June</i> ]
Greece	No	No
Hungary	Yes	Implemented by way of a comprehensive amendment of different Hungarian acts on judicial enforcement, patents, trade marks, designs and copyright. Came into force in two stages – 01

		January 2006 and 15 April 2006.
Ireland	Yes	No
Italy	Yes	Implemented by legislative decree number 140 of 16/03/06 which came into force on 22 April 2006.
Latvia	No	No
Lithuania	No	No
Luxembourg	No	No draft bill has yet been filed before the Chambre des Députés. Luxembourg is apparently waiting for France and Belgium to finalise their laws so that they can use French and Belgium law as their inspiration.
Malta	No	No
Netherlands	No	<p>The Dutch Senate approved the addition of four paragraphs to the National Patent Act in February 2006.</p> <p>An enactment to amend the Dutch Code of Civil Procedure in relation to the addition of a new title on the enforcement of intellectual property rights was submitted to the Dutch Lower House on 19 December 2005, however this has not yet been implemented.</p> <p>The Dutch Lower House received a draft order in September 2006 for the amendment of the Benelux Treaty on Intellectual Property, however this has not yet come into force.</p>
Poland	No	Polish law already meets a number of the Directive's requirements. Further legislation to complete implementation is in progress (a bill has been prepared to amend the Industrial Property Act, the Act on Protection of Databases, the Civil Proceedings Code and the Act on Copyright and Neighbouring Rights).
Portugal	No	No
Slovakia	No	No
Slovenia	Yes	No
Spain	Yes	Implemented by Law No 19/2006.
Sweden	No	Swedish Ministry of Justice is drawing up a proposal for modifications necessary to meet the requirements of the Directive. Legislation is not expected to come into force before early 2007.