

Unified Patent Court Procedure

Article-by-Article Commentary

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Details

Forty years after the first discussions began with a view to creating a single European patent, 25 EU Member States (with the exception of Italy, Spain and Croatia) approved three instruments creating a European Patent with unitary effect. One of the instruments is the Agreement on a Unified Patent Court, signed on 19 February 2013. The Agreement provides for a "Unified Patent Court" (UPC) as a single court consisting of a Court of First instance and a Court of Appeal. The court will have exclusive jurisdiction both in infringement and revocation proceedings. By this means it is intended that it will provide a less complex and cheaper alternative to the current situation where patent cases have to be tried in each EU Member State separately. This commentary is focussed on the procedure of the Unitary Patent Court, and covers: A. Overview B. Infringement and Defences C. Proceedings and the UPC Part I. Ch. I-III, including Statutes of the UPC Part II. Financial Provisions Part III. Ch. I. General Provisions Part III. Ch. II. Languages of Proceedings Part III. Ch. III. Proceedings before the Court Part III. Ch. IV. Powers of the Court Part III. Ch. V. Appeals Part III. Ch. VI. Decisions Part IIIa. Implementation and Operation of Agreement The General Editors and authors are experienced patent specialists from the UK, France and Germany, working for renowned law practices: Sabine Agé, Christof Augenstein, Matthias Brandi-Dohrn, Emmanuel Gougé, Andreas Haberl, Alexander Haertel, Miriam Kiefer, Tim Powell, Konstantin Schallmoser, Tim Whitfield, and Alex Wilson.

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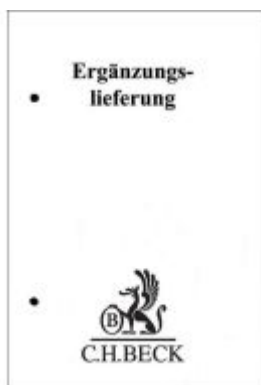
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