

# Unified Patent Court and Arbitration

*What's Up in IP Arbitration?*

*Paris Arbitration Week*

*Paris • 19 March 2024*

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Member of the Expert Panel group of the Unified Patent Court

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Brussels 19 February 2013: signing ceremony

# Unified Patent Court Agreement



- Not a European Union Court (unlike CJEU)
- Instead: a court "*common to Contracting Member States*"

Contracting Member States

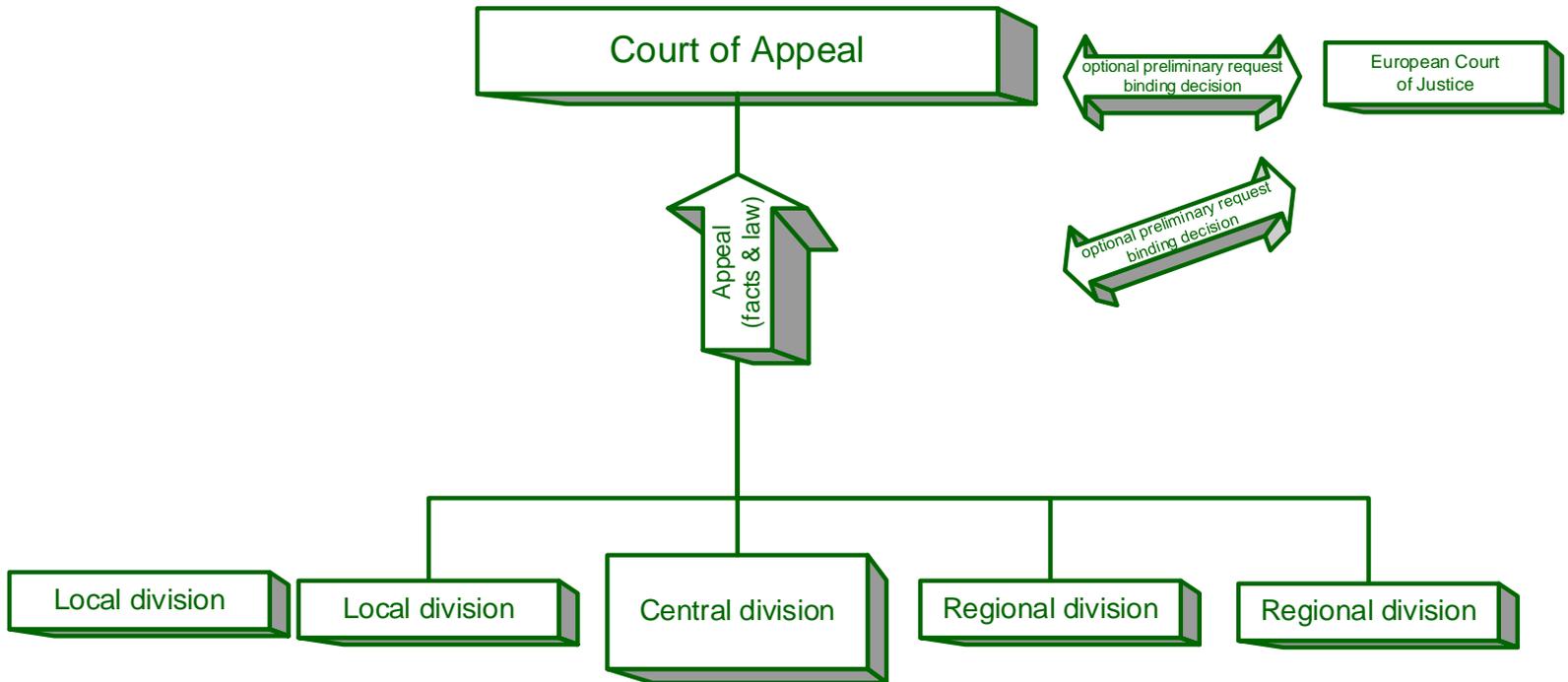
# Unified Patent Court



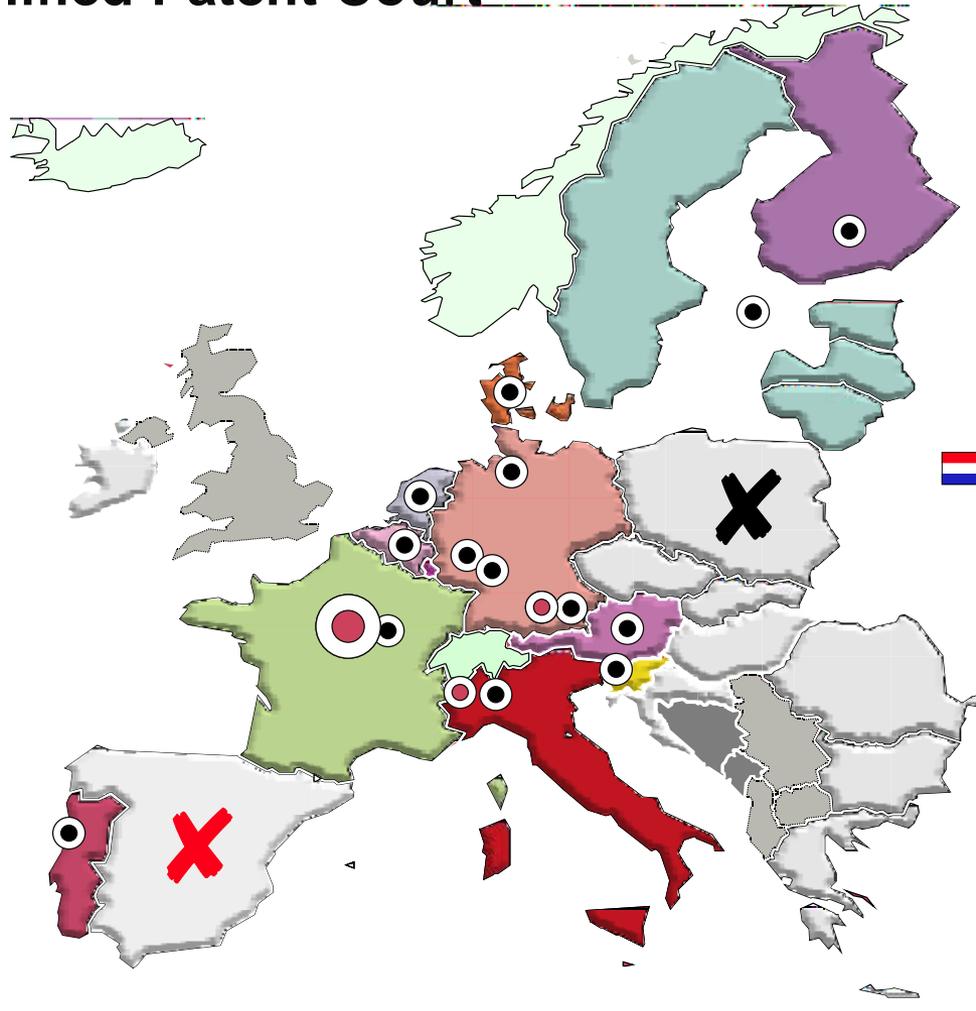
17 States (2023) + 7 to follow + 3 not aboard

Architecture

# Unified Patent Court



# Unified Patent Court



				Central Division also competent as "local" for BG, LU and MT
				Baltic Regional Division (SE, EE, LT, LV)
				Finland
				Denmark
				Netherlands
				Germany (4 divisions)
				Belgium
				France
				Austria
				Italy
				Portugal
				Slovenia

**Central Division (1 seat + 1-2 sections) + 13 local div + 1 regional div.**

**17 Member States**

10/06/2023

Entry into activity: 1 June 2023

## Unified Patent Court



Legally qualified and technically qualified judges

## Article 32 – Agreement on the Unified Patent Court

# Competence of the Court

*" (1) The Court shall have exclusive competence in respect of:*

*(a) actions for actual or threatened infringements of patents and supplementary protection certificates and related defences, including counterclaims concerning licences;*

*(b) actions for declarations of non-infringement of patents and supplementary protection certificates;*

*(c) actions for provisional and protective measures and injunctions;*

*(d) actions for revocation of patents and for declaration of invalidity of supplementary protection certificates;*

*(e) counterclaims for revocation of patents and for declaration of invalidity of supplementary protection certificates; ..."*

**Article 32 – Agreement on the Unified Patent Court**

**Competence of the Court**

*"(2) The national courts of the Contracting Member States shall remain competent for actions relating to patents and supplementary protection certificates which do not come within the exclusive competence of the Court."*

Contractual disputes (e.g. license agreements) and ownership of patents (research in common) not within the UPC's exclusive competence

## Article 35 - Agreement on the Unified Patent Court

# Patent Mediation and Arbitration Centre

*“(1) A patent mediation and arbitration centre (“the Centre”) is hereby established. **It shall have its seats in Ljubljana and Lisbon.***

*(2) The Centre shall provide facilities for mediation and arbitration of patent disputes falling within the scope of this Agreement. Article 82\* shall apply mutatis mutandis to any settlement reached through the use of the facilities of the Centre, including through mediation.*

***However, a patent may not be revoked or limited in mediation or arbitration proceedings.***

*(3) The Centre shall establish Mediation and Arbitration Rules.*

*(4) The Centre shall draw up a list of mediators and arbitrators to assist the parties in the settlement of their dispute.”*

*\*Article 82 - Enforcement of decisions and orders*

*(1) Decisions and orders of the Court shall be enforceable in any Contracting Member State...*

## Rules of Procedure

### ***“Article 65. Decision on the validity of a patent***

*(1) The Court shall decide on the validity of a patent on the basis of an action for revocation or a counterclaim for revocation.”*

Rules of Procedure apply only to the proceedings before the Court.

Mediation and Arbitration Rules yet to be published.

**Pierre Véron**

**Thank you**



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