Kluwer Patent Blog

Welcome to the Kluwer Patent Blog

Brian Cordery (Bristows) · Monday, April 19th, 2010 · Landmark European Patent Cases

On any view, the world of international patents is fast-paced and constantly changing in shape. Barely a week goes by without an important development from a major national Court or the EPO in a significant area such as the allowability of claims to pharmaceutical dosage regimes or the patentability of computer software.

The Patents Courts of the Members States of the EU have openly stated their desire to harmonise their approach to most central areas of patent law. Courts more regularly and encouragingly refer to and recite EPO case law and decisions in parallel cases from other national Courts. Regular conferences are held with this very goal in mind. But the Courts also recognise that the different procedural regimes regarding evidence and other matters such as disclosure inevitably mean that different results will be reached by different tribunals on the same issues. This makes life uncertain for industry and highlights the need for a single Community Patent and/or Court. However, this in turn leads to significant political issues which presently seem impossible to resolve.

Unless and until full harmonisation is achieved, the best that can be done is to gather as much information as possible so that a patent holder and other stakeholders know where to enforce their rights and where to avoid litigation. The aim of this blog is to provide readers with an up to date picture on important developments in the field of patents throughout Europe and to provide a platform for high level discussion on the most significant topics, covering both national patent developments as well as developments at the EPO.

Our fellow contributors are some of the continent's leading patent lawyers and as a result, this blog will be truly pan-European in its approach.

Peter Burgers, Brinkhof and Brian Cordery, Bristows

9 April 2010

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