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Facts and Figures about Swiss Patent Litigation: The Annual Report of the Swiss Federal Patent Court

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Earlier this year the Federal Patent Court published its [annual report for the business year 2012](#). The report provides an overview of the businesses and procedures during the new Swiss Patent Court's first year.

The number of cases which was submitted to the Federal Patent Court in its first business year corresponded to the expectations. In total, 43 ordinary and eleven summary procedures were brought before the Court. However, most of these incoming procedures were already pending cases that reached the Court through reference by the cantonal tribunals and not through direct submission by the parties. 32 ordinary and five summary procedures were referred to the Federal Patent Court since in these cases the trial had not yet taken place before the cantonal courts. Some of these procedures were very comprehensive due to their long duration which amounted up to eleven years. Only eleven ordinary and six summary procedures were directly submitted to the Federal Patent Court.

In its first business year, the Federal Patent Court decided a total amount of 17 ordinary procedures and eleven procedures thereof could be concluded by settlement. Thus, 26 ordinary procedures were transferred to the new business year 2013. All of the eleven summary procedures could be resolved, five by means of a settlement and six by means of a court order.

The large majority of these procedures were conducted in German. As expected, only in less than ten per cent of the cases, the procedural language was French. In one case, the parties made use of the possibility to choose English as procedural language instead of one of the official languages of Switzerland.

The system of two full-time and 37 part-time legal as well as technical expert judges (appointed on a case-by-case basis) proved to be advantageous in the first business year. The Federal Patent Court was able to fill its different chambers with qualified specialists of the respective fields of expertise. This high competence of the court chambers was also welcomed by the parties and made it possible that a relatively high percentage of cases was resolved by settlement.

All in all the start of the Swiss Federal Patent Court has been promising. We look forward to seeing more.

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