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Local UPC chamber to be set up in Denmark

Anders Valentin (Bugge Valentin) · Thursday, March 27th, 2014

On Friday, 21 February 2014, the Danish Government announced its plans to establish a local division of the UPC in Copenhagen if the Danish referendum on Denmark's accession to the UPC should turn out positive.

The decision is the result of a political agreement with almost all Danish parties represented in parliament and is widely seen as a counter-move to address concerns voiced by parties in opposition to Denmark's accession to the UPC. Danish UPC sceptics have expressed concerns in relation to Danish SMEs being forced to conduct proceedings in foreign jurisdictions – not just as plaintiffs, but – perhaps more importantly – as defendants (which, by far, would appear to be the role in which Danish SMEs are most likely to be cast).

Sweden, meanwhile, has reached an agreement with the Baltic UPC states to set up a regional chamber in Stockholm and the parties to that agreement were apparently surprised to learn that Denmark opted to leave the negotiations for a joint Nordic/Baltic chamber in favour of a local division of its own, not least since it may be difficult to see how a Danish chamber will be able to attract a sufficient amount of cases to stay in business.

The political agreement amongst the Danish parties stipulates that a patentee filing suit in the local Danish division of the UPC may choose Danish and English as procedural language. Also, the Danish government has stressed the fact that a Danish judge will be present on the panel which will consist of a total of 3 judges.

The Danish opposition parties to Denmark's accession to the UPC, however, remain sceptical and maintain that their opposition is mainly based on other aspects such as the rules of procedure not having been finalized and a number of issues therefore still being outstanding at this point of time.

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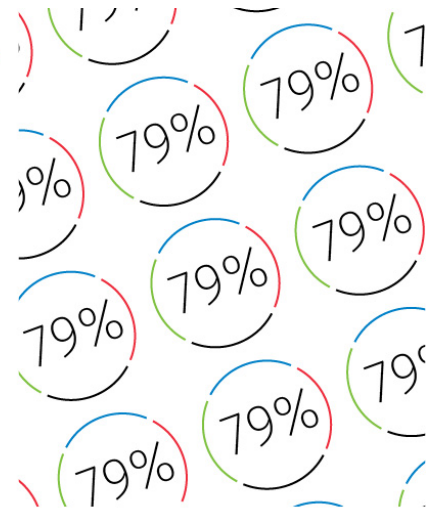
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