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# Kluwer Patent Blog

## Portugal: Arbitration of patent validity, Court of Appeal of Lisbon, 1053/13.7YRLSB2, 13 February 2014

Alexandre L. Dias Pereira (University of Coimbra) · Tuesday, June 9th, 2015

Arbitration courts established to resolve conflicts between patents and generic or reference medicaments do not have jurisdiction to decide on the validity of the patent, even when it is argued as a defence in an action for infringement. Transferring the authorization to introduce a generic medicament in the market to a third party is not, in itself, an infringement to the exclusive right granted by the patent and therefore is not prohibited in the scope of the arbitration provided for under Law No 62/2011.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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