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Portugal: Arbitration of patents v. generics, Constitutional Court of Portugal, 123/2015, 12 February 2015

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The statute which provides that holders of industrial property rights can resort only to arbitration instead of directly resorting to state courts concerning provisional or interim measures (Article 2 of Law No 62/2011 of 12 December) is not contrary to the Portuguese constitution.

However, the statute according to which a patent cannot be enforced against the holder of an authorization to introduce in the market (AIM) or the applicant to an AIM beyond the term of 30 days after the publication by Infarmed of the request (Article 3(1) of Law 62/2011 of 12 December) is contrary to the constitution.

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

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