

Kluwer Patent Blog

Season's greetings from the Kluwer Patent Blog

Brian Cordery (Bristows) · Wednesday, December 23rd, 2015

Meredith Wilson famously wrote in 1951 that it was beginning to look a lot like Christmas. Well, the various versions of this song by Crosby, Mathis, Bubl , Minogue et al may be on a near constant loop on the radio but in all honesty, with the daffodils out and the trees in full bud, it's beginning to look a lot like Easter in the southern part of the UK.

Nevertheless, despite the balmy weather, the calendar on the wall is indicating that it is December 23rd and so this seems like the right time to write a short reflective message on behalf of the co-editors of the Kluwer patent blog.

2015 has been an exciting year for patent practitioners across Europe. Here in the UK, a new full time patents judge, Henry Carr J (depicted below) has been appointed to the bench and so the English Patents Court now has its very own ABC club (Arnold, Birss, Carr JJ). The first few rulings from Carr J show that he will take a practical, balanced and intelligent approach to his cases and thus continue the tradition of strong patents judges in the UK.



In the UK and elsewhere in Europe, the pregabalin litigation has dominated the headlines, but other rulings of significance have been made as well. The French Courts finally recognised the validity of dosage regimen claims and a new Patents Act has been agreed in Spain, which will come into force in 2017. Meanwhile, the UK and German courts took opposite approaches on how to interpret a second medical use claim to the use of pemetrexed in cancer and Portugal's arbitration system continues on its rocky journey. The Dutch courts set their teeth in (in)direct infringement of Swiss type claims, and once again showed they look beyond borders, giving serious consideration to recent UK case law in their decisions.

Most importantly, the preparations for the UPC are on-going with many commentators predicting that it will open its doors for business early in 2017. By this time next year, we should be well into the sunrise period for opting-out patents – a regime that many, but not all, patentees seem eager to use at least in the first few years.

The co-editors would like to thank all our contributors for their hard work in producing timely and relevant posts despite their other commitments. As the era of the UPC draws ever closer, having a good grasp on all major countries' historical traditions and latest developments is increasingly important and this can only be achieved by having high quality reports from experienced practitioners. However, most importantly we would like to thank our readers without whom the blog would be meaningless. The co-editors will endeavour to improve the blog still further in 2016.

The Kluwer Patents Blog team would like to wish all our readers a Happy Christmas and a healthy and prosperous 2016.

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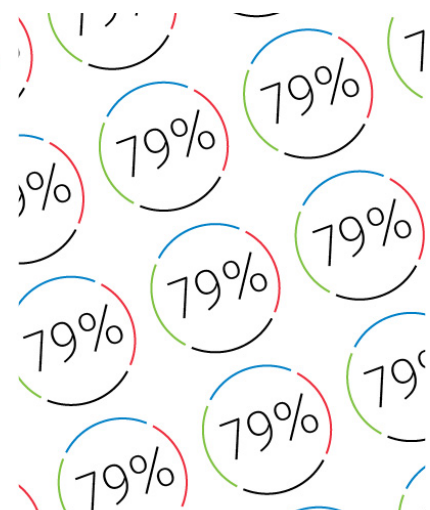
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