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Patent case: No inter partes patent invalidity in arbitration, Portugal

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The Supreme Court held that the mandatory arbitration court provided for litigation between patent holders and applicants for generic medicines does not have jurisdiction to decide, inter partes and incidenter tantum, the validity of a patent. The right of defence of the generic applicant is not disproportionately restricted because they can challenge the validity of the patent before the Court of Intellectual Property.

Case date: 22 March 2018

Case number: 1053/16.5YRLSB.S1.S1

Court: Supreme Court of Justice of Portugal

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

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