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All Eyez on PMAC: Can Alternative Justice Be More Than a Dream?

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A New Kind of Justice?

In the often adversarial landscape of European patent litigation, the Unified Patent Court (UPC) has introduced a lesser-known, but potentially transformative institution: the Patent Mediation and Arbitration Centre (PMAC). Split between Lisbon and Ljubljana, the PMAC quietly proposes an alternative vision for dispute resolution—one that trades force for dialogue, and confrontation for consensus. But as with many dreams, the question remains: can this one become real?

That tension—between system and hope, confrontation and compromise—echoes the voice of Tupac Shakur, who, in a very different context, reminded the world that "*reality is wrong, dreams are for real*". The PMAC is, in legal terms, just such a dream: the vision of a softer, consensual patent enforcement culture embedded in a system built for litigation. It is, in short, the poetic contradiction of trying to make peace inside a courthouse.

Voluntary but Vulnerable

Established under the UPC framework, the PMAC is designed to offer mediation and arbitration services for disputes concerning European patents, both with and without unitary effect. It lacks binding adjudicatory powers: parties must opt in voluntarily, and the Centre cannot issue enforceable measures on its own. This raises a fundamental concern: in high-stakes patent litigation, who will willingly abandon the power and enforceability of a UPC judgment to pursue amicable settlement, especially in the absence of procedural pressure points or jurisdictional incentives?

Waiting for Rules, Searching for Identity

The PMAC awaits the publication of its own procedural rules—a crucial document for credibility. Until then, uncertainties abound. Will arbitrators be appointed by the Centre or selected by the parties? What guarantees of independence and expertise will apply? Will arbitral awards be immediately enforceable across all UPC-participating states? Without answers, many practitioners remain hesitant. At present, the PMAC seems more like a conceptual placeholder than a fully operational forum. It struggles to define its identity: not a judicial body, yet not clearly competitive with existing international ADR centres like WIPO or ICC.

Complement or Competitor?

One central issue lies in the PMAC's relationship with existing institutions. The WIPO Arbitration and Mediation Center, for instance, enjoys a solid reputation in IP disputes and well-established operational procedures. The PMAC does not yet provide a reason for parties to prefer it over more established alternatives. That said, its value may lie in complementarity. It could serve as a procedural pause point within UPC proceedings, particularly in FRAND licensing disputes, questions of contractual interpretation, or partial enforcement of decisions. But for that to happen, it needs not only procedural clarity but also strategic integration into the wider UPC framework.

How to Make It Matter

To make the PMAC matter, the UPC could formally integrate model mediation and arbitration clauses into its own procedural architecture, encouraging parties to include them in licensing and co-ownership agreements. It could also authorize the automatic suspension of UPC litigation when parties refer their dispute to the PMAC, thereby creating space for settlement without jeopardizing strategic positioning. The Centre would further benefit from embedding technical mediators—individuals with dual legal and scientific competence—into its process, ensuring more substantive and mutually intelligible dialogue between disputants. Finally, the PMAC must establish a transparent and credible public evaluation mechanism for mediators and arbitrators, if it hopes to earn the trust of parties accustomed to high-stakes, high-performance forums.

Conclusion – Between Symbol and Strategy

If the UPC is meant to be the backbone of a new European patent litigation order, the PMAC could be its softer voice—one that listens before it strikes. But location alone, even in cities as evocative as Lisbon and Ljubljana, does not confer relevance. For the PMAC to be more than a symbolic gesture, it will need a robust procedural framework, strategic integration into UPC mechanisms, and clear incentives for users.

This moment, then, is not just procedural. It is cultural. It is about choosing the kind of legal world we want to build. And maybe—just maybe—it is about listening to voices beyond the courtroom. Tupac, again, was not wrong when he said:

"We gotta make a change. It's time for us as a people to start makin' some changes."

Because even in patent law, change does not come from inertia. It comes from belief. From structure. And from the willingness to reimagine what justice looks like.

"Reality is wrong, dreams are for real." — Tupac Shakur

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