

What is the French experience with efforts to centralize and specialize patent litigation ?

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In Industrial Property, the French Courts are increasingly specialized and more recently centralized. The president of the Court of appeal in Paris has set up an intellectual property pole in the first instance and at the Court of appeal. In the next future, the civil and criminal court judges will work jointly on patent litigation and criminal fraud..

Indeed, the Paris court is almost exclusive jurisdiction for patents. Furthermore, the law passed on 2007, October 29th cancels jurisdiction of the Commercial Courts for models and confer to the professional judiciary competence in this area. Of course, in the Supreme Court, all the industrial property rights cases are reviewed by the “Chambre commerciale et financière”.

The centralization will be very useful to guarantee that judges will very knowledgeable in this area. Everyone knows that here in Strasbourg, the Centre international de la propriété industrielle , founded in 1963, is a world-wide reference center. Of course, the French judges, the “ conseils en propriété industrielle”, industrial property consultants, work very closely with experts from the reference center.

More and more, lawyers have studied property law in specialized post graduate program (DEA) and are well-acquainted with the case-law of Europe Patent Office in Munich. I am very confident: all French patent lawyers are very aware that the increasing sophistication of the matter makes centralization necessary.

This concept is all the more important given today's global economic context. Patent litigation help to fight against infringement , and thus favorably encourages research especially in the area of medicine and spare parts.