

Unified Patent Court Procedure

Augenstein / Agé / Wilson

2025

ISBN 978-3-406-64859-5

C.H.BECK

schnell und portofrei erhältlich bei
beck-shop.de

Die Online-Fachbuchhandlung beck-shop.de steht für Kompetenz aus Tradition. Sie gründet auf über 250 Jahre juristische Fachbuch-Erfahrung durch die Verlage C.H.BECK und Franz Vahlen.

beck-shop.de hält Fachinformationen in allen gängigen Medienformaten bereit: über 12 Millionen Bücher, eBooks, Loseblattwerke, Zeitschriften, DVDs, Online-Datenbanken und Seminare. Besonders geschätzt wird beck-shop.de für sein umfassendes Spezialsortiment im Bereich Recht, Steuern und Wirtschaft mit rund 700.000 lieferbaren Fachbuchtiteln.

Index

A

- Access to justice **40** 7 et seq.
- Action on merits
 - freezing order **61** 55 et seq.
 - Order to preserve evidence **60** 89
- Administrative Committee **Ch. 2** 51
 - appointment of judges **12** 15 et seq.
 - chair **12** 5 et seq.
 - competence **12** 4
 - composition **12** 1
 - Court fees **12** 34 et seq.
 - decisions **12** 9, 37
 - divisions **12** 24 et seq.
 - finality **11** 8
 - first meeting of **Ch. 1** 64
 - judicial appointment **Ch. 2** 84
 - membership **12** 7 et seq.
 - participation **12** 2 et seq.
 - remuneration **12** 22
 - request to create division **7** 8 et seq.
 - revision **Ch. 2** 80, 94, 137; **87** 4 et seq.
- Advisory Committee **Ch. 2** 51
 - competence **14** 1 et seq., 8 et seq.
 - composition **14** 5 et seq.
 - membership **14** 2 et seq.
 - Rules of Procedure **14** 4
- Agreement
 - accession **84** 8
 - development of **Ch. 1** 42 et seq.; **Ch. 2** 27 et seq.
 - duration **86** 1
 - entry into force **89** 1 et seq.
 - hierarchy **40** 2
 - language **88** 3 et seq.
 - ratification **84** 5
 - revision **87** 4 et seq.
 - revision of **12** 31 et seq.
 - source of law **24** 5
- Amicus curiae **46–47** 71
- Appeals **Ch. 2** 70; **32** 22; **82** 54 et seq.
 - Administrative Committee **12** 37
 - adversely affected **73–75** 9
 - against costs **69** 84
 - application for suspensive effect **73–75** 29
 - case management order **43** 18 et seq.
 - conditional **73–75** 17 et seq.
 - cost reduction **70** 11
 - costs **73–75** 15
 - Court of First Instance **73–75** 13 et seq.
 - cross-appeal **73–75** 48
 - decisions **73–75** 62 et seq.
 - effect **73–75** 26 et seq.

- evidence **59** 40; **73–75** 52 et seq.
 - examination **73–75** 39 et seq.
 - facts **73–75** 52 et seq.
 - fees **70** 18; **73–75** 38
 - grounds **73–75** 41 et seq.
 - interim procedure **73–75** 49
 - language **50** 2 et seq.; **73–75** 37
 - legal aid **71** 30
 - limitation **73–75** 10
 - on fact **73–75** 3
 - on law **73–75** 3
 - oral procedure **73–75** 50
 - Order to preserve evidence **60** 91 et seq.
 - permanent injunction **63** 33
 - preliminary objection **52** 68 et seq.
 - proceedings **73–75** 32 et seq.
 - provisional measures **62** 94 et seq.
 - referral **73–75** 66 et seq.
 - rehearing **81** 20
 - rejection of application **66** 44
 - scope **73–75** 5 et seq.
 - Statement of appeal **73–75** 32 et seq.
 - Statement of response **73–75** 47
 - time limit **73–75** 16 et seq.
 - unconditional **73–75** 19 et seq.
 - urgency **73–75** 30
 - value order **70** 29
 - withdrawal **73–75** 51
- Application
- Contracting Member State **Ch. 4** 40 et seq.
 - extremely urgent **8** 27
 - intervention **46–47** 72 et seq.
 - Non-contracting State **Ch. 4** 44
- Arrow declaration **32** 13
- Assets
- freezing **61** 44 et seq.

B

- Brussels Ia Regulation **Ch. 1** 58; **Ch. 2** 55; **Ch. 4** 31 et seq.; **31** 4 et seq.; **34** 16 et seq.; **83** 13
 - enforcement **82** 109 et seq.
 - jurisdiction **31** 17 et seq.
 - provisional measures **62** 1
- Budget **10** 68 et seq.; **13** 6 et seq.
 - adoption **36** 13
 - appropriations **36** 10 et seq.
 - Financial Regulations **36** 7 et seq.
 - financial statement **36** 15 et seq.
 - Mediation and Arbitration Centre **37** 24
 - national contributions **37** 34 et seq.
 - principles **36** 4 et seq.
 - provisional **36** 17

Budget Committee **Ch. 2** 51

- competence **13** 6 et seq.
 - composition **13** 1 et seq.
 - decisions **13** 3 et seq.
- Burden of proof **54** 4 et seq.
- coercive measure **64** 49
 - confidential information **55** 12
 - exhaustion **29** 33 et seq.
 - national law **54** 6
 - procedure **54** 15 et seq.
 - provisional measures **62** 51
 - reversal **54** 7; **55** 10 et seq.
 - revocation **65** 11
 - standard **54** 9 et seq.

CCase distribution **Ch. 2** 47, 95 et seq.; **6** 7; **7** 4 et seq.

- Registry **10** 64 et seq.
- Case management **52** 41
- judge rapporteur **43** 5 et seq.
 - order **43** 14 et seq.
 - principles **43** 2 et seq.
 - system **10** 27 et seq.

Causation **68** 19 et seq.Cease and desist **63** 26

Central division

- case distribution **Ch. 2** 47, 95 et seq.
- discontinuance **7** 26
- jurisdiction **Ch. 2** 58
- language **Ch. 2** 66; **49** 38 et seq.
- referral to **52** 111 et seq.
- seat **Ch. 1** 52 et seq., **60**, **66** et seq.; **Ch. 2** 39

Chicago Convention **27** 37CJEU **Ch. 1** 1

- binding effect **20–23** 23
- compatibility with EU law **Ch. 1** 48, **54**; **Ch. 2** 36
- competence **Ch. 1** 53
- distinction to UPC **6** 13
- jurisdiction **20–23** 6
- liability **5** 28 et seq.
- preliminary ruling **Ch. 2** 93; **1** 8; **6** 12; **20–23** 1 et seq., **17** et seq., **26** et seq.
- review **68** 3
- treaty interpretation **Ch. 3** 15

Claim

- construction **25** 7 et seq.

Claimant

- capacity **46–47** 13 et seq.
- change of **46–47** 55
- death **46–47** 58 et seq.
- demise **46–47** 58 et seq.
- language **49** 7
- scope **46–47** 13 et seq.

Clarity **65** 35 et seq.Code of Conduct **15** 8

- conflict of interest **17** 5 et seq.

Coercive measures

- burden of proof **64** 49
- declaration of infringement **64** 19 et seq.
- deprivation of property **64** 30 et seq.
- destruction **64** 41 et seq.; **76** 50, **73**
- discretion **64** 50
- information **76** 52 et seq.
- injunction **64** 7
- proportionality **64** 51 et seq.
- recall **64** 24 et seq.; **76** 51, **73**
- removal **64** 34 et seq.
- requirements **64** 4 et seq.
- scope **64** 11 et seq.

Committee

- Administrative, see Administrative Committee
- Advisory, see Advisory Committee
- appealable decisions **11** 7
- Budget, see Budget Committee
- immunity **11** 9
- language **11** 10

Community Patent Convention **25** 4 et seq.

- development of **Ch. 1** 26 et seq.

Community Patent Jurisdiction **Ch. 1**Community Patent Regulation **Ch. 1** 45Compensation **Ch. 2** 121; **63** 23

- licence **68** 79 et seq.

Competence **Ch. 2** 55 et seq.; **Ch. 4** 24 et seq.; **1** 4; **32** 1 et seq.

- CFI **33** 1 et seq.
- defences **32** 5 et seq.
- national courts **32** 27

Competition

- fair **42** 14 et seq.

Confidentiality **10** 36 et seq.; **35** 10; **60** 80 et seq.

- evidence **55** 12
- information **67** 23
- inspection of premises **60** 97
- proceedings **45** 8
- protective letter **62** 115
- redaction **58** 12 et seq.; **59** 17
- representative **48** 35
- right to information **67** 15
- settlement **79** 12 et seq.

Conflict of interest **17** 5 et seq.Conflict of law **24** 16 et seq.

- national rules **24** 22

Consent **25** 4

- exhaustion **29** 14 et seq.
- joinder **43** 27

Consent principle **Ch. 1** 33

Contracting Member State

- definition **2** 3 et seq.
- liability **4** 8

Costs **52** 12; **82** 28

- amount **69** 79 et seq.
- appeal **69** 84; **73–75** 15

- apportionment 69 59 et seq.
- ceiling 69 17, 28 et seq.; 71 47 et seq.
- coercive measure 64 49
- decision 76 85 et seq.
- estimation 69 20, 63
- evidence 53 79; 69 24
- experts 69 25, 47 et seq.
- interim 69 76 et seq.
- legal 69 16 et seq.
- parties 69 44 et seq.
- proportionality 69 5
- recoverable 70 3
- recovery 69 74 et seq.
- reduction 70 7 et seq.; 71 31 et seq.
- representative 69 28 et seq., 39 et seq.
- security 69 85 et seq.
- settlement 79 15
- translations 69 52 et seq.
- travel 69 46, 49
- unnecessary 69 22 et seq.
- value of litigation, see Value of litigation
- witness 53 49, 61 et seq.; 69 48 et seq.
- Council of Europe **Ch. 1** 15
- Counterclaim 32 6 et seq., 16
 - language 49 18 et seq.
- Counterclaim for revocation 10 46 et seq.;
 - 52 81 et seq.; 65 3 et seq.
- defence to 52 91 et seq.
- evidence 52 84
- examination 52 87
- filing 33 19
- notification 33 20
- process 33 16 et seq.
- provisional measures 62 50 et seq.
- referral 33 18
- Court
 - organisation 40 1 et seq.
- Court appointed expert 53 65 et seq.
 - list 57 16
 - order 57 14
 - report 57 20
 - right to comment 57 17 et seq.
- Court of Appeal **Ch. 2** 48
 - appealable decisions **Ch. 2** 128 et seq.
 - composition 9 4 et seq., 23 et seq.
 - exceptional importance 9 16 et seq.
 - exceptions 9 12 et seq.
 - fees **Ch. 2** 142
 - full 9 18 et seq.
 - language **Ch. 2** 67; 50 2 et seq.
 - measures **Ch. 2** 134
 - nationality 9
 - panels **Ch. 2** 89
 - President 9 6 et seq.
 - presiding judge 9 10 et seq.
 - procedure **Ch. 2** 132
 - qualifications 9
 - reasons 77 4

- rehearing 81 4
- Statement of appeal 10 58 et seq.
- urgency 9 22 et seq.
- Court of First Instance **Ch. 2** 47
 - appeal 73-75 13 et seq.
 - case distribution 7 4 et seq.
 - competence 33 1 et seq.
 - composition 8 2 et seq., 34
 - discontinuance 7 21 et seq.
 - exception 8 21 et seq.
 - fees **Ch. 2** 140
 - judge-rapporteur 8 18
 - language 49 3 et seq.
 - local division 8 5 et seq.
 - nationality 8 4
 - organisation **Ch. 2** 88
 - presiding judge 8 31 et seq.
 - proceedings 7 17 et seq.
 - qualifications 8 15 et seq.
 - regional division 8 11 et seq.
 - seats 7 3

D

- Damages **Ch. 2** 121; 76 79 et seq.
 - adequacy 68 33 et seq.
 - application 68 6, 58 et seq.
 - calculation 68 25 et seq., 37 et seq.; 76 67
 - causation 68 19 et seq.
 - competence 32 4, 17 et seq.
 - contributory negligence 68 23 et seq.
 - defence 68 69
 - enforcement 69 97 et seq.
 - fault 68 15 et seq., 34, 49 et seq.
 - financial information 68 72 et seq.
 - immaterial 68 35 et seq.
 - injured party 68 13 et seq.
 - interim 68 78
 - liability 4 8
 - licence fee 68 43
 - limitation period 72 2
 - notice 68 68
 - proceedings 68 53 et seq.
 - profits 68 40 et seq., 50 et seq.; 76 63
 - punitive 68 44, 47 et seq.
 - requirements 68 4
 - resitution 68 30 et seq.
 - scope 68 57 et seq.
 - security 82 17 et seq.
- Data protection 58 7, 22
- Decisions **Ch. 2** 71, 120
 - dissenting opinions 78 2 et seq.
 - enforcement 77 8 et seq.; 82 1 et seq.
 - expedited 52 7
 - intervention 46-47 80
 - publication 45 11 et seq.; 76 77 et seq.; 80 6 et seq.
 - reasons 77 2 et seq.
 - translation 49 46

- Declaration of infringement **64** 19 et seq.; **76** 42 et seq.
 - transitional period **83** 27
- Declaration of non-infringement **Ch. 4** 42; **52** 24
 - defence **52** 135 et seq.
 - language **49** 12
 - procedure **52** 131 et seq.
 - requirements **52** 125 et seq.
 - Statement **52** 132 et seq.
- Default **76** 15 et seq., **87**
- Defendant
 - capacity **46–47** 45 et seq.
 - change of **46–47** 55
 - death **46–47** 58 et seq.
 - demise **46–47** 58 et seq.
 - insolvency **46–47** 62 et seq.
 - language **49** 7
- Depository **85** 1
- Destruction **76** 51, **73**
- Discretion **41** 14 et seq.; **56** 15
 - case management **56** 17
 - case management order **43** 20
 - coercive measure **64** 3, **50**
 - evidence **53** 20 et seq.; **59** 28
 - injunction **64** 22
 - joinder **46–47** 53
 - leave to appeal **73–75** 20, **24**
 - motions **76** 4
 - permanent injunction **63** 3
 - preliminary injunction **62** 21 et seq.
 - publication of decisions **80** 10 et seq.
 - security **82** 18 et seq.
- Doctrine of equivalents
 - Dutch law **25** 52 et seq.
 - French law **25** 43 et seq.
 - German law **25** 28
 - Nordic law **25** 60 et seq.
 - UK law **25** 67 et seq.
- Documents
 - commercial **59** 41 et seq.
 - confidential information **58** 4 et seq.; **59** 30 et seq.
 - evidence **53** 13 et seq.
 - financial **59** 41 et seq.
 - service of **44** 8 et seq.
 - translation **51** 9
- Duty of cooperation
 - judges **5** 36
- E**
- EEUPC **Ch. 1** 47
- Efficiency **40** 6
- Enforcement **6** 4
 - attachment **82** 13
 - decisions **77** 8 et seq.; **82** 5 et seq.
 - European Enforcement Order **79** 5
 - freezing order **61** 53 et seq.
 - Mediation and Arbitration Centre **35** 7
 - Order to preserve evidence **60** 87
 - orders **77** 8 et seq.; **82** 5 et seq.
 - penalty payment **76** 54, **69** et seq.; **82** 36 et seq., **42** et seq.
 - pending appeal **73–75** 27
 - permanent injunction **63** 32
 - provisional measures **82** 7
 - security **76** 69; **82** 13
 - security for damages **69** 97 et seq.
 - settlement **79** 4
- Entitlement **Ch. 5** 1 et seq.
 - party **46–47** 11 et seq.
- Entry into force **Ch. 2** 79
- EPLC **48** 19 et seq.
- EPLP **Ch. 1** 40
- EU law
 - application **20–23** 16
 - binding effect **20–23** 23
 - compatibility with **20–23** 7
 - infringement **20–23** 31 et seq.
 - interpretation **Ch. 3** 35 et seq.
 - patent related **20–23** 11 et seq.
 - primacy **20–23** 1, **8** et seq.
 - relationship with **Ch. 2** 52
 - source of law **24** 4
- EUIPO **6** 19 et seq.
- European Commission
 - Administrative Committee **12** 3, **9**, **14**
 - compliance **20–23** 36
- European Convention on Human Rights **40** 8; **45** 7; **76** 12; **81** 18
- European Court of Human Rights **9** 24
- European patent **Ch. 1** 9
 - entitlement **Ch. 5** 1 et seq.
 - unitary effect **Ch. 2** 8
- European Patent Attorney **Ch. 2** 63; **48** 6
- European Patent Convention **6** 16
 - development of **Ch. 1** 23 et seq., **38** et seq.
 - entitlement **Ch. 5** 1 et seq.
 - remedies **Ch. 5** 20 et seq.
 - source of law **24** 6
 - system **Ch. 1** 8 et seq.
- European Patent Lawyers Association **14** 1; **18** 3
- European Patent Office **6** 15
 - alteration **66** 9 et seq.
 - annulment **66** 9 et seq.
 - decisions **66** 1 et seq.
 - opposition proceeding **65** 16 et seq., **40**
 - parallel proceedings **33** 40
 - rectification **66** 26 et seq.
 - rejection of application **66** 31 et seq.
 - review of decisions **Ch. 4** 12
- European Patent Register **34** 9
- Evidence **52** 179
 - access **10** 31; **58** 8 et seq.

- admissible 52 166 et seq.
 - admission 53 25 et seq.
 - appeal 73-75 3, 44
 - application for preservation 10 47
 - burden of proof, see Burden of proof
 - confidential information 58 1 et seq.; 59 30 et seq.
 - cooperation 53 35 et seq.
 - costs 69 24
 - counterclaim for revocation 52 84
 - court appointed expert 57 4 et seq.
 - description 60 30
 - discretion 59 28
 - documents 53 13 et seq.
 - exceptions 53 59 et seq.
 - exclusion 56 18
 - experiments 53 70 et seq.
 - experts 53 64 et seq.
 - free evaluation 76 14
 - freezing order 61 18 et seq.
 - giving 53 7
 - hearing of witness 53 41 et seq.
 - information 53 12
 - infringement 62 46 et seq.
 - language 52 168 et seq.
 - legal aid 71 14 et seq.
 - location 60 28
 - means 53 1, 8 et seq., 17 et seq.
 - new 52 157; 73-75 52 et seq.
 - obtaining 53 7, 23 et seq.
 - opposing party 59 18 et seq.
 - order 59 13 et seq., 20 et seq., 36 et seq.
 - preservation application 49 43
 - preservation, see Order to preserve evidence
 - procedure 53 2, 54
 - provisional measures 62 89
 - security 60 84 et seq.; 69 103 et seq.
 - specification 59 24 et seq.
 - Statement of defence 52 79
 - submission 52 30
 - summons 53 44 et seq.
 - third party 59 18 et seq.
 - use 60 83; 61 51
 - videos 10 27
 - weight 53 20 et seq.
 - witness statement 53 37 et seq.
 - witnesses 52 166 et seq.; 53 5 et seq., 15 et seq.
 - written procedure 52 16
- Exhaustion **Ch. 1** 19, 30
- burden of proof 29 33 et seq.
 - consent 29 14 et seq.
 - definition 29 1
 - first sale 29 24 et seq.
 - power of disposal 29 18 et seq.
 - process patents 29 3 et seq.
 - scope 29 9 et seq.
 - unitary 29 2 et seq.
- Experiment 53 70 et seq.
- costs 53 79
- F**
- Facilities 37 31 et seq.
- Facts
- burden of proof 54 4 et seq.
 - disclosure 62 70 et seq.
 - dispute 53 77
 - evidence 53 31 et seq.
 - new 52 157 et seq., 167; 73-75 52 et seq.
 - procedure 54 15 et seq.
- Fairness
- principle of 42 6 et seq.
- Fault 68 15 et seq., 34, 49 et seq.
- Fees 12 34 et seq.; 40 7
- appeal 70 18, 29; 73-75 38
 - Application for annulment 66 18
 - case management order 43 15
 - challenge to assessment 70 21, 28
 - conditional 69 36 et seq.
 - contingency 69 36 et seq.
 - court **Ch. 2** 138 et seq.
 - court appointed expert 57 19
 - damages 68 62 et seq.
 - exemption 71 42 et seq.
 - fixed 70 22
 - freezing order 61 33
 - non-payment 70 23
 - obligation to pay 70 1
 - Order to preserve evidence 60 32
 - payment 70 19 et seq., 24
 - penalty payment 71 40
 - plurality 70 12 et seq.
 - protective letter 62 112, 118
 - reduction 71 31 et seq.
 - rehearing 81 29
 - reimbursement 52 39, 45
 - renewal **Ch. 1** 56
 - revocation 70 5 et seq.
 - schedules 70 2 et seq.
 - self-assessed value based 70 22
 - separation of proceedings 46-47 54
 - value-based **Ch. 2** 141; 70 3 et seq.
- File wrapper 25 9, 25, 82
- Financial Regulations 36 7 et seq.
- Financing **Ch. 2** 60, 83
- Formstein objection 25 37 et seq., 78
- FRAND defence 59 16; 63 25
- Freezing orders
- appeal 61 58 et seq.
 - applicant 61 16
 - application 61 13 et seq., 24 et seq.
 - confidential information 61 50
 - costs 69 22
 - evidence 61 18 et seq.
 - examination 61 34 et seq.
 - fee 61 33

- language **61** 23
- liability **61** 57
- measures **61** 44 et seq.
- Order to preserve evidence **61** 47
- other measures **62** 44
- person carrying out the measures **61** 49
- review **61** 58 et seq.
- security **61** 52
- seizure **61** 48
- time period **61** 46
- urgency **61** 43

G

- Gillette defence **32** 13
- Guarantee **62** 16 et seq.
- Guidelines
 - court fees **69** 66 et seq.

H

- Haertel draft **Ch. 1** 20 et seq.
- Hierarchy **6** 6

I

- Immunity **17** 13 et seq.
 - Committees **11** 9
 - judges **5** 31 et seq.
 - Registrar **10** 16
 - representative **48** 42 et seq.
 - waiver **5** 32; **6** 42
- Independence **17** 1 et seq.
- Information **68** 56; **76** 52 et seq., **73**
 - access **58** 8 et seq., **16** et seq., **20** et seq.
 - evaluation **76** 14
 - financial **67** 14; **68** 40, **72** et seq., **76** 57 et seq.
 - necessary **67** 17 et seq.
 - order **67** 1 et seq.
 - request **53** 12
 - right **67** 8 et seq.
- Infringement **63** 8 et seq.; **76** 42 et seq.
 - alleged **62** 13 et seq.
 - burden of proof **62** 51
 - coercive measure **64** 7
 - competence **32** 3 et seq.
 - conflict of law **24** 20
 - consent **25** 4
 - contributory **26** 1 et seq.
 - damages **68** 8
 - declaration **64** 19 et seq.
 - direct **25** 2
 - EU law **20–23** 31 et seq.
 - evidence **62** 46 et seq.
 - imminent **62** 9 et seq.
 - indirect **25** 2; **26** 6 et seq.; **62** 14
 - jurisdiction **25** 3
 - jurisdiction of action **31** 12
 - making **25** 85 et seq.
 - offering **25** 95 et seq.
 - patent **62** 50 et seq.

- permanent injunction **63** 1 et seq.
- putting on the market **25** 90 et seq.
- scope **25** 6 et seq.
- second medical use **26** 17 et seq.
- technically qualified judge **62** 54
- Infringement action **33** 21 et seq., **31** et seq.; **46–47** 36

- Registry **10** 54 et seq.
- Injunction **32** 14; **76** 44 et seq.
 - limitation period **72** 2
 - permanent, see Permanent injunction
 - preliminary, see Preliminary injunction
- Insolvency **46–47** 58 et seq., **62** et seq.
- Institut International des Brevets **Ch. 1** 14
- Interim conference **44** 6; **52** 145 et seq.
 - form **52** 152
 - language **52** 152
- Interim procedure **Ch. 2** 68, **118**; **43** 9
 - appeal **73–75** 49
 - closure **52** 154 et seq., **158**
 - conference, see Interim conference
 - experts **52** 160
 - judge rapporteur **52** 141 et seq.
 - procedural orders **52** 142
 - time period **52** 144
 - value of litigation **69** 65

Interpretation **Ch. 1** 1, 7; **1** 8

- EU law **Ch. 3** 35 et seq.
- homeward trend **Ch. 3** 46
- national law influences **Ch. 3** 44 et seq.
- Rules of Procedure **41** 12 et seq.
- Vienna Convention **Ch. 3** 10 et seq.

Invalidity **76** 43

Inventor **Ch. 5** 6

J

- Judge-rapporteur
 - case management **43** 5 et seq.
 - costs **52** 12
 - damages **68** 71
 - designation **43** 5
 - electronic proceedings **44** 6
 - interim procedure **52** 141 et seq.
 - interpretation **51** 4 et seq.
 - intervention **46–47** 81
 - language of grant **49** 24, **27**
 - legal aid **71** 18
 - preliminary objection **52** 58 et seq.; **73–75** 14, **25**
 - request for technically qualified judge **43** 11 et seq.
 - technically qualified judge **52** 51
 - value of litigation **69** 67 et seq.

Judges

- Advisory Committee **14** 8 et seq.
- allocation **17** 6
- appointment **Ch. 2** 84; **12** 15 et seq.; **16** 1 et seq.

- appointment of technically qualified judge 8 18 et seq.
- composition **Ch. 2** 49
- conflict of interest 17 5 et seq.; 81 16
- Court of Appeal 9 5
- Court of First Instance 8 2 et seq.
- dismissal 16 10 et seq.
- duty of cooperation 5 36
- eligibility **Ch. 2** 84; 15 1 et seq.
- immunity **Ch. 2** 86, 149 et seq.; 5 31 et seq.; 17 13 et seq.
- instructions 17 1
- language 15 3; 51 3
- legally qualified 15 4 et seq.
- liability 5 31 et seq.
- names 5 37
- oath 17 4
- objection to 17 11 et seq.
- oral procedure 52 161 et seq.
- pool 8 36; 17 4 et seq.
- presiding 6 45 et seq.; 8 31 et seq.; 43 8
- remuneration **Ch. 2** 84; 12 22; 16 12 et seq.
- resignation 16 8
- secondary occupation 15 6; 17 2
- technically qualified 8 18; 15 7 et seq.; 43 11 et seq.; 52 56
- term **Ch. 2** 84; 16 7 et seq.
- training **Ch. 2** 84; 14 12; 18 1 et seq.
- vacation 6 31
- Judicial review **Ch. 4** 11 et seq.
- Jurisdiction **Ch. 2** 55 et seq.; 1 5; 31 1 et seq.; 56 13
- choice of 33 37
- CJEU 20–23 6
- concurrent **Ch. 2** 57; **Ch. 4** 33
- default 3 4
- determination of 31 17 et seq.
- infringement 25 3
- infringement action 31 12
- liability 5 25
- opt out **Ch. 2** 75; 3 5; 10 40 et seq.; 28 4
- parallel proceedings **Ch. 4** 17
- provisional measures 31 14
- revocation action 31 13
- settlement 79 8 et seq.
- shared **Ch. 1** 5 et seq.
- territory 3 6
- transitional period 31 47 et seq.
- L**
- Language **Ch. 1** 48; **Ch. 2** 64 et seq.
- Agreement 88 3 et seq.
- appeal 73–75 37
- central division 49 38 et seq.
- change 49 37
- Committees 11 10
- costs 69 52 et seq.
- Court of Appeal 50 2 et seq.
- Court of First Instance 49 3 et seq.
- evidence 52 168 et seq.
- freezing order 61 23
- grant 49 21 et seq.
- interim conference 52 152
- interpretation 51 4 et seq.; 52 169 et seq.
- judges 15 3
- Order to preserve evidence 60 24
- other 49 12
- preliminary objection 52 59
- preservation of evidence 49 43
- protective letters 49 42
- referral 52 113
- Statement for revocation 49 41
- Statement of claim 52 17
- translation 37 24; 49 13 et seq.; 50 5 et seq.; 51 1 et seq.; 52 168 et seq.
- treaty interpretation **Ch. 3** 34
- witness statment 53 40
- Legal aid 10 42 et seq.; 37 24
- appeal 71 30
- application 71 12 et seq.
- evidence 71 14 et seq.
- examination 71 17 et seq.
- refusal 71 20
- scope 71 22 et seq.
- settlement 79 16
- threshold 71 9, 23
- withdrawal 71 27 et seq.
- Legal capacity 46–47 2 et seq.
- absence 46–47 9 et seq.
- claimant 46–47 13 et seq.
- defendant 46–47 45 et seq.
- Legal person
- definition 46–47 3 et seq.
- demise 46–47 58 et seq.
- insolvency 46–47 62 et seq.
- Legitimate interest 52 5, 44
- Liability
- accessory 24 20; 26 37 et seq.
- Contracting Member State 4 8
- contractual 5 19 et seq.
- court 5 18
- damages 4 8
- definitions 5 21
- French law 5 3 et seq.
- German law 5 8 et seq.
- infringement of EU law 20–23 31 et seq.
- judges 5 18, 31 et seq.
- jurisdiction 5 25
- limitation period 5 23 et seq.
- limitations of 5 26
- non-contractual 5 19 et seq.
- servants 6 53
- UK law 5 15 et seq.
- Licence **Ch. 2** 13; 32 20 et seq.
- compensation 68 79 et seq.
- exclusive 46–47 23 et seq.

- fee **68** 43
- holder **46–47** 22
- non-exclusive **46–47** 23, 29 et seq.
- territorial **Ch. 1** 30, 50

Limitation period

- calculation **72** 4 et seq.
- criteria **72** 14 et seq.
- effect **72** 9
- mediation **72** 16 et seq.
- party agreement **72** 18 et seq.
- reestablishment of rights **72** 24 et seq.
- transitional period **72** 21

Lis pendens **Ch. 1** 58; **Ch. 4** 31; **33** 12 et seq., 34; **34** 16 et seq.; **72** 20; **83** 13

Local division

- creation of **7** 8 et seq.; **12** 24 et seq.
- discontinuance **7** 21 et seq.; **12** 28 et seq.
- language **Ch. 2** 65; **49** 3 et seq.

London Agreement **Ch. 1** 39

- Lugano Convention **Ch. 2** 55; **31** 27 et seq.
- enforcement **82** 114
- source of law **24** 9

M

Mediation and Arbitration Centre **1** 3; **65** 12

- budget **37** 24
- costs **39** 1
- criteria **35** 5
- definition **2** 2
- development of **Ch. 1** 64
- enforcement **35** 7
- seat **35** 4
- settlement **35** 11; **79** 2

Mediation Rules **35** 9

Membership **Ch. 1** 53

Misappropriation **Ch. 5** 34

Motions **76**

- sample **76** 38 et seq.

N

National law **24** 10 et seq.

Negligence **68** 23 et seq.

Non-infringement **32** 11 et seq.

- declaration of **33** 21 et seq.; **44** 14; **46–47** 37, 41
- declaration, see Declaration of non-infringement

O

Operating costs **37** 23 et seq.

Opinions

- dissenting **Ch. 2** 92

Oral procedure **Ch. 2** 68, 119; **43** 8 et seq.; **52** 161 et seq.; **60** 59 et seq.; **76** 12

- absence **76** 21 et seq.
- adjournment **52** 177 et seq.
- appeal **73–75** 50
- commencement **52** 156
- costs **52** 180

- length **52** 171 et seq.
- provsional measures **62** 87 et seq.
- summons **52** 153; **60** 51

Order

- breach **82** 36 et seq.

Order to inspect premises

- appointed inspector **60** 96
- costs **69** 22
- notice **60** 86; **62** 59
- request **60** 94
- scope **60** 95

Order to preserve evidence

- appeal **60** 91 et seq.
- applicant **60** 20
- content of application **60** 25 et seq.
- description **60** 30
- disclosure **60** 72
- enforcement **60** 87
- examination **60** 33 et seq.
- fee **60** 32
- freezing order **61** 47
- language **60** 24
- liability **60** 90
- limitation period **72** 2
- location **60** 28
- measures **60** 27 et seq., 66 et seq.
- notice **60** 86; **62** 59
- patent **60** 19
- preservation **60** 70
- representative **60** 77
- review **60** 54, 91 et seq.
- seizure **60** 71
- service **60** 86
- subject **60** 74 et seq.
- time period **60** 73, 79
- timing **60** 2, 18
- urgency **60** 36, 47 et seq., 64 et seq.

Orders

- enforcement **77** 8 et seq.; **82** 1 et seq.
- publication **45** 11 et seq.
- translation **49** 46

Organisation **Ch. 2** 62

P

Paris Convention **Ch. 1** 13; **27** 35

- source of law **24** 8

Patent

- amendment **52** 96 et seq.
- application **Ch. 5** 12 et seq.
- arbitration and mediation **35** 12
- biological material exception **27** 50 et seq.
- biological use exception **27** 19 et seq.
- Bolar exemption **27** 24 et seq.
- copyright exception **27** 40 et seq.
- definition **2** 6
- exhaustion, see Exhaustion
- experimental use exception **27** 11 et seq.
- freezing order **61** 15

- harvest/livestock exception 27 38 et seq.
- information exception 27 40
- infringement 63 8 et seq.
- interantional transport exception 27 35 et seq.
- limitation 27 1 et seq.
- medicinal products exception 27 23 et seq.
- non-commercial use exception 27 9 et seq.
- Order to preserve evidence 60 19
- pharmacy exception 27 31 et seq.
- prior use 28 1 et seq.
- private act exception 27 6 et seq.
- proprietor 46–47 13 et seq.
- revocation 65 56 et seq.; 81 22 et seq.
- settlement 79 6
- transfer Ch. 5 29 et seq.; 46–47 18 et seq.
- validity 62 50 et seq.; 65 1 et seq.; 68 9 et seq.
- Permanent injunction
 - appeal 63 33
 - discretion 63 12 et seq.
 - enforcement 63 32
 - penalty payment 63 31
 - preliminary injunction 63 13
 - proportionality 63 22
 - subject 63 27 et seq.
- Pleadings 10 23
 - language 49 12 et seq.
- Plurality 46–47 1, 15, 30 et seq., 49 et seq.
- Preliminary injunction 62 7 et seq.
 - coercive measure 64 7
 - discretion 62 21 et seq.
 - imminent infringement 62 9 et seq.
 - permanent injunction 63 13
 - urgency 62 26 et seq.
- Preliminary measures
 - security 69 106 et seq.
- Preliminary objection 73–75 14, 25
- Premises
 - inspection, see Order to inspect premises
- Preparatory Committee Ch. 1 57; 6 41
 - interpretative note Ch. 2 76
- Prescription
 - see Limitation period
- President Ch. 2 87; 12 2
 - conflict of interest 17 6
 - election 6 27 et seq.
 - language of grant 49 25
 - representation 4 2
 - request for technical judge 8 18 et seq.
 - request for technically qualified judge 8 18 et seq.; 43 11 et seq.
- Presidium Ch. 2 87; 6 35 et seq.; 16 9
 - budget 36 9
 - composition 6 38
 - functions 6 39 et seq.
 - training 18 5
- Prior art 65 39 et seq.
- Prior rights 65 39 et seq.
- Prior use 28 1 et seq.; 32 19
 - Dutch law 28 24 et seq.
 - French law 28 19 et seq.
 - German law 28 13 et seq.
 - nature of 28 6 et seq.
 - re-establishment 28 32
 - scope 28 9 et seq., 37 et seq.
 - UK law 28 27 et seq.
- Private international law
 - See Conflict of law
- Procedural measures 52 142 et seq.
- Procedure
 - accelerated 43 10
 - Court of Appeal Ch. 2 132
- Proceedings 52 1 et seq.
 - appeal 73–75 32 et seq.
 - bifurcation 43 26
 - confidentiality 45 8
 - costs 52 12
 - Court of First Instance 7 17 et seq.
 - damages 68 53 et seq.
 - electronic 44 1 et seq.
 - evidence 53 19
 - ex parte 52 10
 - exclusion from 48 44 et seq.
 - insolvency 46–47 65 et seq.
 - inter partes 52 8 et seq.
 - interim, see Interim procedure
 - intervention 46–47 70 et seq.
 - joinder 43 21 et seq.; 46–47 51
 - language 49 3 et seq.
 - oral, see Oral procedure
 - order 6 34
 - public 45 1 et seq.
 - recording 45 9 et seq.
 - SPC 30 11
 - stay of Ch. 4 38, 44; Ch. 5 26 et seq., 32, 37; 20–23 29; 46–47 58 et seq., 65 et seq.; 68 67
 - successor 46–47 58 et seq.
 - transitional period 83 16
 - written, see Written procedure
- Property
 - deprivation 64 30 et seq.
 - destruction 64 41 et seq.
- Proportionality 52 144; 62 17
 - coercive measure 64 51 et seq.
 - costs 69 5
 - evidence 53 72
 - injunction 63 22
 - preservation of evidence 60 88
 - principle of 42 6 et seq.
- Protective letter Ch. 2 127; Ch. 3 47; 60 36, 50
 - application for 10 48 et seq.
 - confidentiality 62 115
 - content 62 110 et seq.
 - examination 62 113 et seq.
 - extension 62 118

- language **49** 42
- procedure **62** 108 et seq.
- provisional measures **62** 83
- Protective measure
 - see Provisional measures
- Protocol
 - on Jurisdiction and Recognition of Decisions **Ch. 5** 4
 - on Privileges and Immunity **Ch. 2** 86, 149 et seq.; **5** 33 et seq.; **17** 14
 - on Provisional Application **Ch. 1** 55; **Ch. 2** 145 et seq.
 - on Recognition **Ch. 5** 16 et seq., 28
- Provisional measures **Ch. 2** 125 et seq.; **32** 14
 - appeal **62** 94 et seq.
 - application **10** 48 et seq.; **62** 67 et seq.
 - application withdrawal **62** 85
 - Brussels Ia Regulation **34** 26 et seq.; **62** 1
 - delivery **62** 33 et seq., 41 et seq.
 - enforcement **82** 7
 - evidence **62** 89
 - ex parte **62** 56 et seq., 92
 - examination **62** 72 et seq., 77 et seq.
 - freezing orders, see Freezing orders
 - injunctions, see Preliminary injunction **62**
 - jurisdiction of action **31** 14
 - oral hearing **62** 87 et seq.
 - penalty payment **62** 15
 - process **62** 64 et seq.
 - protective letter **62** 83, 106 et seq.
 - review **62** 99 et seq.
 - revocation **62** 93, 103 et seq.
 - security **62** 60 et seq.
 - seizure **62** 33 et seq., 38 et seq.
 - transitional period **83** 12
 - urgency **62** 76, 81
- R**
- Ratification **Ch. 1** 51, 62
- Recall **64** 24 et seq.; **76** 50, 73
- Recording **45** 9 et seq.
- Regional division **Ch. 2** 47
 - creation of **7** 12 et seq.; **12** 24 et seq.
 - discontinuance **7** 21 et seq.; **12** 28 et seq.
 - hearing location **7** 15
 - language **Ch. 2** 65; **49** 3 et seq.
 - three-region clause **33** 14 et seq.
- Register
 - rectification **66** 4
- Registrar **Ch. 2** 113
 - appointment **10** 8 et seq.
 - immunity **10** 16
 - pool of judges **17** 5
 - removal **10** 12 et seq.
 - request for preliminary ruling **20–23** 28
- Registry **Ch. 2** 50, 90; **58** 4
 - access **10** 30 et seq.
 - access request **10** 32 et seq.
 - assignment **52** 41
 - case distribution **10** 64 et seq.
 - change of representation **48** 48
 - confidential information **10** 36 et seq.
 - damages **68** 64 et seq.
 - examination by **10** 39 et seq.; **52** 26 et seq., 36 et seq.; **62** 72 et seq.; **73–75** 39 et seq.
 - experts **57** 16
 - freezing order **61** 34 et seq.
 - functions **8** 37; **10** 3, 18 et seq.
 - infringement action **10** 54 et seq.
 - Order to preserve evidence **60** 33 et seq.
 - pool **8** 35
 - procedure **10** 21 et seq.
 - protective letter **10** 48 et seq.; **62** 109, 113 et seq.
 - provisional measures **10** 48 et seq.
 - recording **10** 52 et seq.
 - registrar, See Registrar
 - rehearing **81** 32
 - revocation action **10** 56 et seq.
 - seat **10** 2
 - Statement of appeal **10** 58 et seq.
 - Statement of claim **10** 59; **52** 22
 - sub-registries **10** 4
- Rehearing **73–75** 4; **79** 20; **81** 5 et seq.
 - appeal **81** 20
 - consequences **81** 34 et seq.
 - examination **81** 32
 - fee **81** 29
 - procedure **81** 27 et seq.
 - reasons **81** 9 et seq.
 - time limit **81** 38 et seq.
- Rejection **52** 39
- Relationship to national court **1** 6 et seq.; **6** 5
- Remedies
 - against provisional measures **62** 94 et seq.
 - EPC **Ch. 5** 20 et seq.
- Removal **64** 34 et seq.
- Representation **Ch. 2** 63; **4** 2
 - change of **48** 48
 - code of conduct **48** 33 et seq.
 - compulsory **48** 1 et seq.
 - confidentiality **48** 37 et seq.
 - definitions **48** 13
 - duties **48** 29
 - exclusion of **48** 44 et seq.
 - immunity **48** 42 et seq.
 - language **49** 34
 - obligation to inform **48** 31
 - qualifications **48** 6 et seq.
- Representative
 - comparable qualifications **48** 22 et seq.
 - confidentiality **48** 35
 - conflict of interest **48** 36
 - costs **48** 26 et seq.; **69** 28 et seq., 39 et seq.
 - European Patent Attorney **48** 17 et seq.
 - power of attorney **48** 30

- preservation of evidence **60** 77
- qualifications **14** 14 et seq.
- questioning **52** 165; **53** 53
- transitional period **83** 54
- Restitution **68** 30 et seq.
- Review
 - Order to preserve evidence **60** 93
 - provisional measures **62** 99 et seq.
- Revision
 - UPCA **Ch. 2** 80
- Revocation
 - action for **33** 27 et seq.; **34** 15; **46–47** 36, 38; **65** 7 et seq.
 - clarity **65** 35 et seq.
 - counterclaim, see Counterclaim for revocation
 - defence **52** 121 et seq.
 - effect **65** 56 et seq.
 - fee **52** 116; **70** 5 et seq.
 - grounds **65** 19 et seq.
 - jurisdiction of action **31** 13
 - language **49** 11, 41
 - licence **65** 57 et seq.
 - partial **65** 50 et seq.
 - patent **81** 22 et seq.
 - prior rights **65** 39 et seq.
 - provisional measures **62** 93, 103 et seq.
 - Registry **10** 56 et seq.
 - requirements **52** 115 et seq.
 - settlement **79** 6
 - Statement, see Statement of revocation
 - technically qualified judge **65** 49
 - transitional period **83** 27
 - value of litigation **69** 73
- Right to be heard **76** 11 et seq.
- Rome I Regulation **5** 19 et seq.; **24** 16
- settlement **79** 17
- Rome II Regulation **5** 19 et seq.; **24** 16 et seq.
- Rules of Procedure **52** 1
 - Administrative Committee **12** 11 et seq.
 - amendment **Ch. 2** 137; **12** 14; **41** 11
 - conflict with Statute **2** 8
 - content **Ch. 2** 107 et seq.
 - definition **2** 8 et seq.
 - development of **Ch. 2** 99 et seq.
 - hierarchy **40** 2; **41** 10
 - interpretation **41** 12 et seq.
 - scope **41** 9
- S**
- Second medical use **26** 17 et seq.
- Secrecy **Ch. 2** 91
- Security **60** 80 et seq.; **76** 69
 - amount **82** 24 et seq.
 - costs **69** 85 et seq.
 - damages **82** 17 et seq.
 - enforcement **82** 13
 - freezing order **61** 52
 - preliminary measures **69** 106 et seq.
 - preservation of evidence **69** 103 et seq.
 - provisional measures **62** 60 et seq.
- Select Committee **Ch. 4**
- Servants **6** 48 et seq.
- Service Regulations **12** 22, 37; **14** 10 et seq.; **15** 2
- Setting aside **76** 33 et seq.
- Settlement **35** 11; **79** 2 et seq.
 - confidentiality **79** 12 et seq.
 - cost reduction **79** 15
 - enforcement **79** 4
 - jurisdiction **79** 8 et seq.
 - legal aid **79** 16
 - revocation **79** 6
- Settlement
 - applicable law **79** 17
 - invalidity **79** 22
 - withdrawal **79** 18 et seq.
- SME
 - definition **71** 35
- Sources of law **Ch. 2** 52
- Springboard relief **63** 24
- Staff Regulations **37** 28
- Statement in intervention **46–47** 76 et seq.
- Statement of appeal **50** 4 et seq.
 - Registry **10** 58 et seq.
- Statement of claim **Ch. 2** 115 et seq.; **10** 46 et seq., 59
 - content **52** 24 et seq.
 - examination **52** 26 et seq., 36 et seq.
 - language **49** 15 et seq.; **52** 17
 - lodging **52** 22
 - non-compliance **52** 37 et seq.
 - preliminary objection **52** 53 et seq.
 - service **44** 8; **49** 44 et seq.
 - technically qualified judge **52** 56 et seq.
 - written procedure **52** 16 et seq.
- Statement of defence **52** 71 et seq.
 - content **52** 75 et seq.
 - evidence **52** 79, 150
 - examination **52** 87
 - lodging **52** 71 et seq.
 - measures **52** 150
- Statement of revocation **52** 24
 - requirements **52** 116 et seq.
- Statute **Ch. 2** 82 et seq.; **40** 1 et seq.
 - amendment **40** 5
 - conflict with Rules of Procedure **2** 8
 - definition **2** 7
 - hierarchy **40** 2
 - structure **40** 4
- Strasbourg Convention **Ch. 1** 15, 22
- Supplementary Protection Certificate **30** 1
 - et seq.; **60** 19
 - definition **2** 6

T

- Territoriality **Ch. 1** 4, 17 et seq.
 - decisions **34** 1 et seq.
 - double **26** 2 et seq.
 - patent amendment **34** 7
 - scope **34** 9 et seq.
- Third party
 - intervention **46–47** 70 et seq.
- Training Regulations **18** 5
- Transitional period **Ch. 2** 72 et seq.; **32** 26; **34** 16 et seq.; **37** 2
 - actions **83** 16 et seq.
 - declaration of infringement **83** 27
 - jurisdiction **31** 47 et seq.
 - length **83** 69 et seq.
 - limitation period **72** 21
 - opt out **83** 4 et seq., 26 et seq., 40 et seq.
 - provisional measures **83** 12
 - representative **83** 54
 - revocation **83** 27
 - withdrawal **83** 65
- TRIPS **Ch. 1** 37
 - burden of proof **55** 2
 - damages **68** 2
 - evidence **59** 5; **60** 6
 - exhaustion **29** 22
 - information **67** 10
 - injunction **63** 16
 - source of law **24** 8

U

- Unitary patent
 - decisions **34** 27 et seq.
 - source of law **24** 12 et seq.
- Unitary Patent Regulation **Ch. 2** 5 et seq.
 - effects **Ch. 2** 12
 - EPO **Ch. 2** 14 et seq.
 - scope **Ch. 2** 9
- Unitary Patent Translation Regulation **Ch. 2** 19 et seq.
- Unjust enrichment **68** 45 et seq.
- Urgency **8** 25 et seq.
 - definition **8** 26
 - extremely **8** 27
 - preliminary ruling **20–23** 27 et seq.

V

- Vacancies **16** 4
- Value of litigation
 - assessment **69** 71 et seq.
 - calculation **69** 65 et seq.
 - sufficient **69** 70
- Vienna Convention **Ch. 1** 1; **86** 2 et seq.
 - CJEU **Ch. 3** 15
 - EPC **Ch. 3** 42
 - general rule **Ch. 3** 18 et seq.
 - language **Ch. 3** 34
 - overview **Ch. 3** 10 et seq.
 - source of law **24** 9
 - supplementary means of interpretation **Ch. 3** 29 et seq.

W

- WIPO Patent Classification **7** 4
- Withdrawal **52** 42 et seq.
 - cost reduction **70** 10
 - opt out **83** 65 et seq.
 - United Kingdom **Ch. 1** 59 et seq.
- Witness **52** 162 et seq.
 - costs **69** 48 et seq.
 - duties **53** 55 et seq.
 - evidence **52** 166 et seq.
 - exceptions **53** 59 et seq.; **59** 33
 - expenses **53** 49, 61 et seq.
 - hearing **53** 41 et seq., 50 et seq.
 - procedure **53** 54
 - questioning **52** 176; **53** 5 et seq., 15 et seq., 53
 - sanctions **53** 55 et seq.
 - statement **53** 37 et seq.
 - summons **53** 44 et seq.
- Written procedure **Ch. 2** 68, 115; **76** 12
 - closure **52** 107 et seq.
 - evidence **52** 16
 - further pleadings **52** 108 et seq.
 - referral **52** 111 et seq.
 - service of pleadings **52** 21 et seq.
 - Statement of claim **52** 16 et seq., 22
 - structure **52** 19
 - submissions **52** 91 et seq.