



# Patent Litigation in Germany



**1**

**The Court System in Germany**

**2**

**Costs, Duration, etc.**

**3**

**Strategies for Enforcing  
Patents in Germany**

**4**

**Recent Development: Implementation  
of the EU Enforcement Guideline**

1

## The Court System in Germany

### Why patent litigation in Germany?

- The patent litigation courts handling the most cases in Europe are<sup>1</sup>:
  1. Düsseldorf (Germany)
  2. Paris (France)
  3. Munich (Germany)
  4. Mannheim (Germany)
- Prosecution and litigation in Germany is affordable
- A judgment from a German court carries considerable weight in other jurisdictions

*<sup>1</sup>: Source: VPP-Rundbrief 1/2009*

## Infringement and nullity courts in Germany

### Patent infringement suits:

There are 12 specialized patent infringement courts in Germany. The most important ones of these are located in Düsseldorf, Mannheim and Munich

### Patent nullity suits:

To invalidate a patent, a nullity suit must be filed with the Federal Patent Court in Munich.



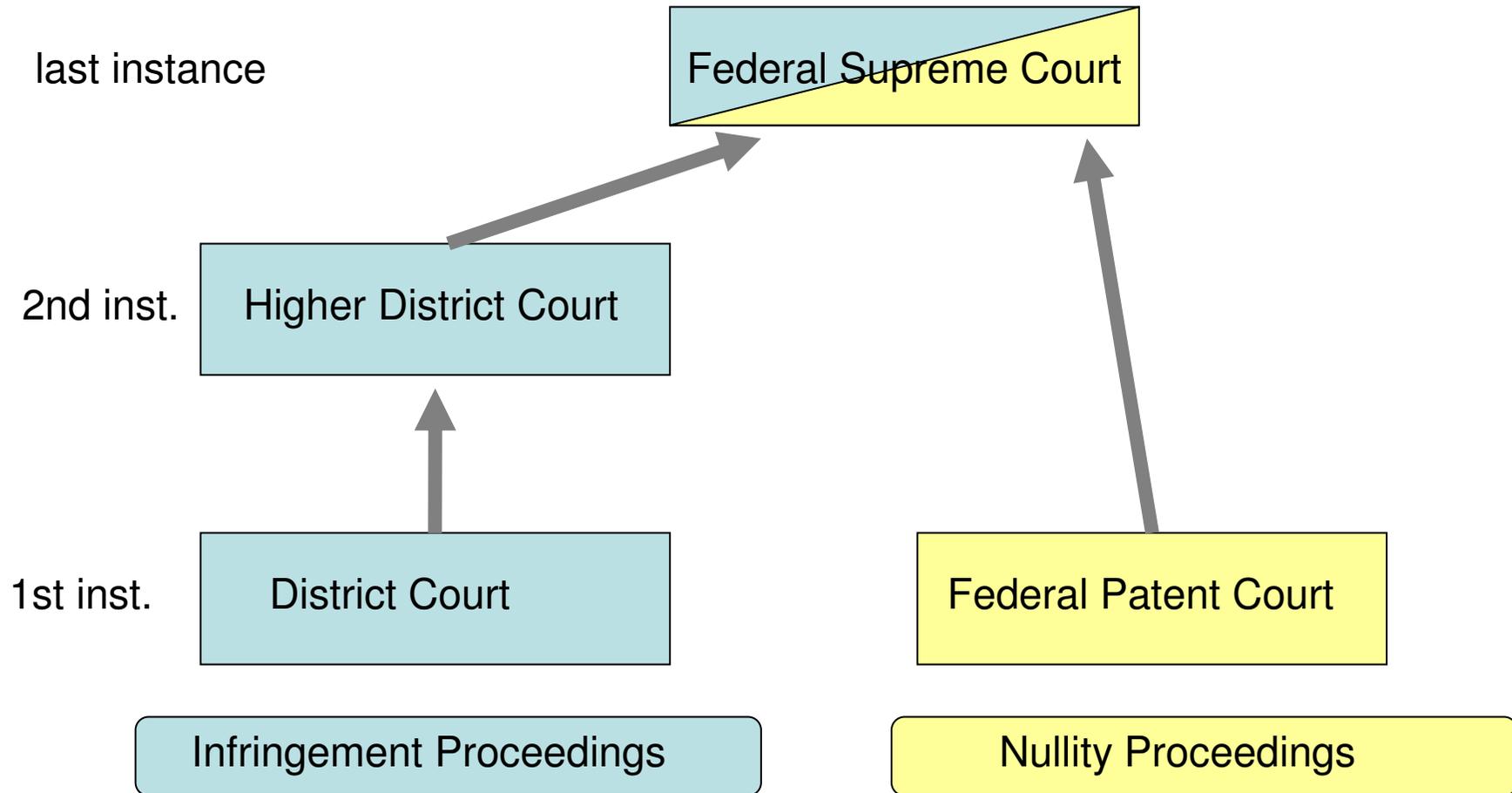
### Court System in Germany

In Germany, the infringement court is bound to the validity of the patent.

- It is not possible to raise „invalidity of the patent“ as a defense in an infringement court, as is possible e.g. in the U.S.
- There is a rather strict separation between infringement proceedings and nullity proceedings in German (so-called dual-track proceedings).
- In patent litigation in Germany, two parallel law suits are common.

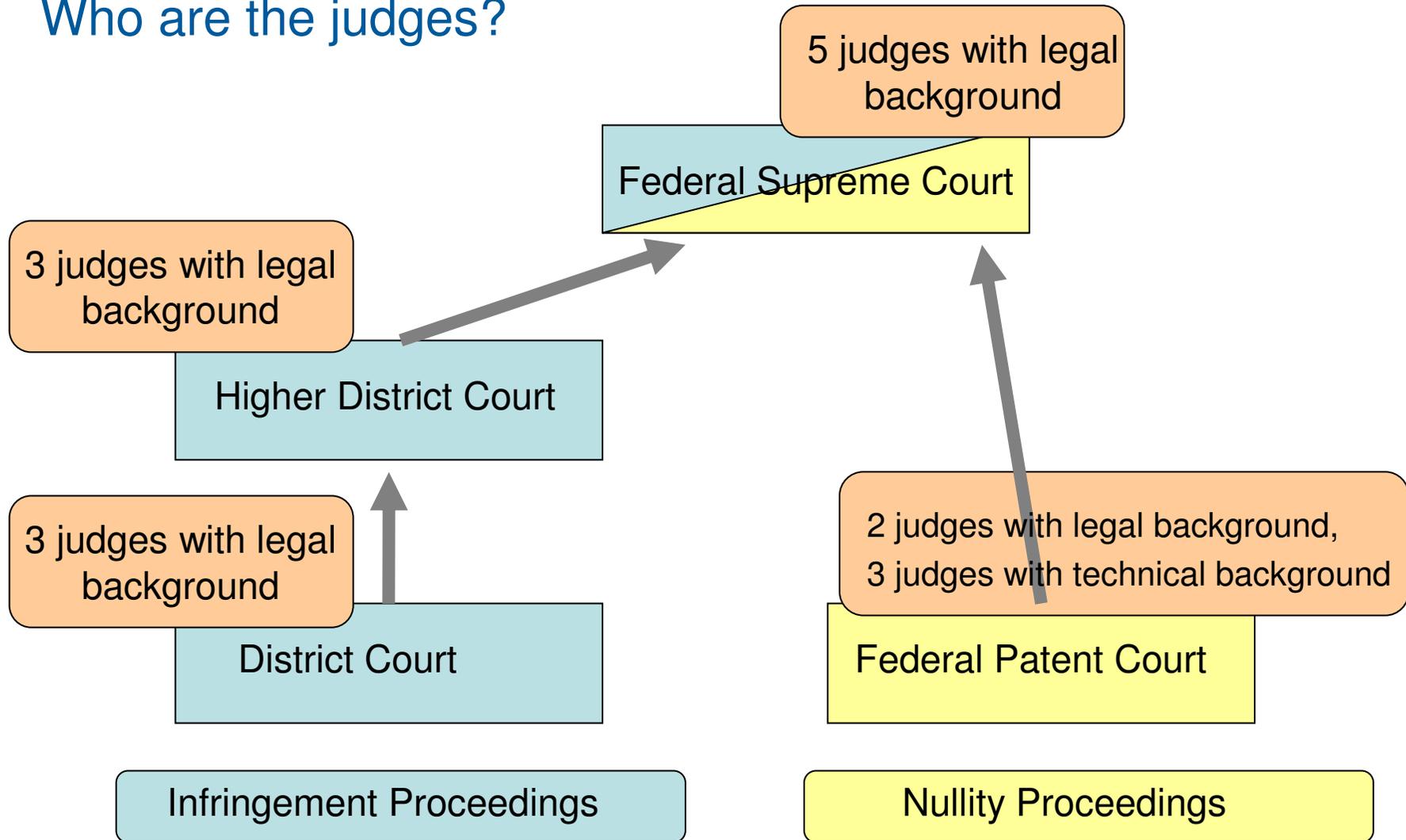
However, when a nullity suit is filed, the parallel infringement suit is usually stayed.

## Court System in Germany



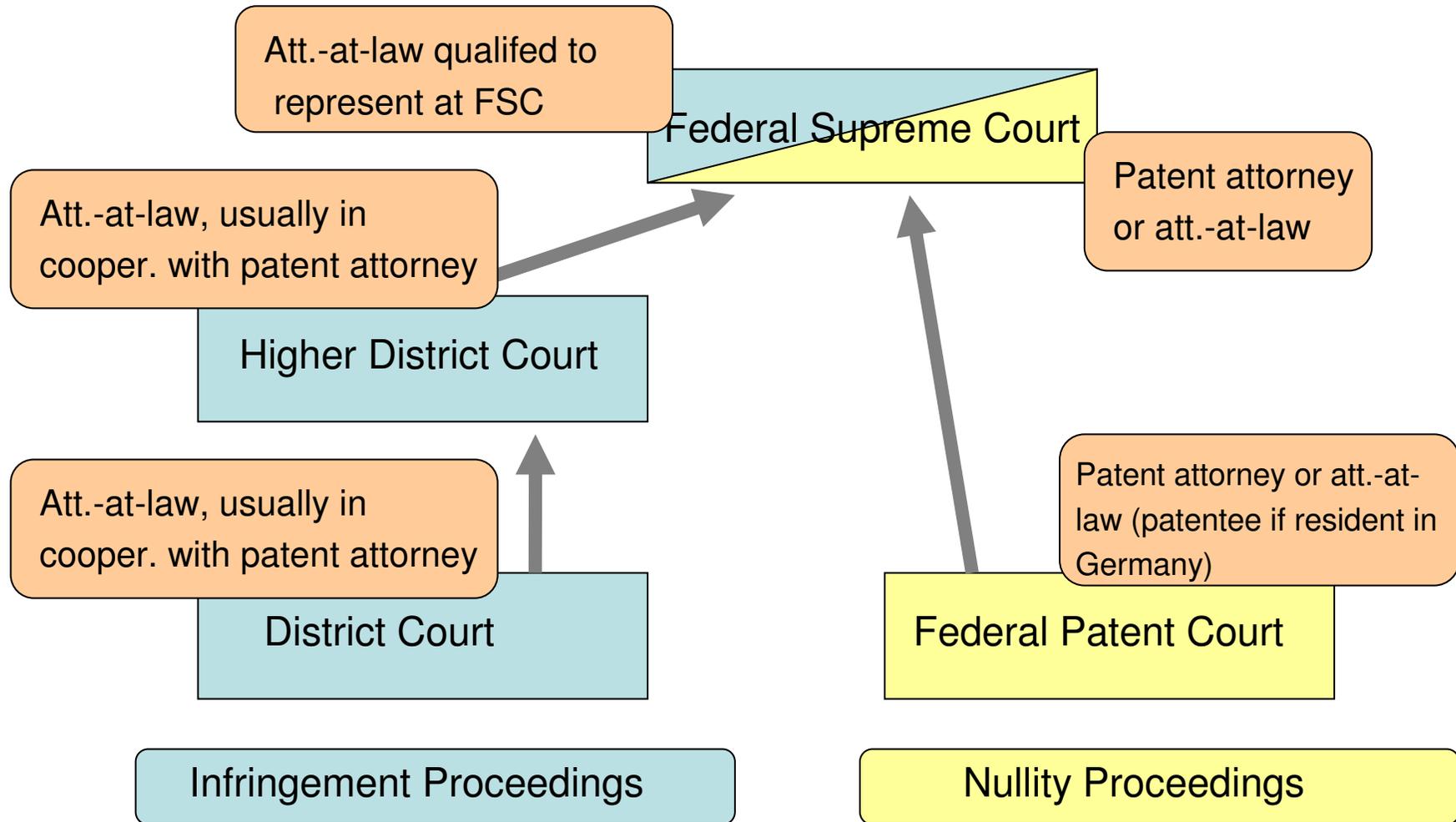
# 1. The Court System in Germany

## Who are the judges?



# 1. The Court System in Germany

## Who can represent?



For further information or full presentation ...

...please contact us!

PATENTSHIP Patentanwaltskanzlei GbR  
Vorhoelzerstr. 21  
81477 Munich  
Germany  
Tel: +49-89-75 969 869-0  
Fax: +49-89-75 969 869-9  
[mail@patentship.eu](mailto:mail@patentship.eu)