Cross-border Patent Conflicts, UPC or Arbitration?

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Currently, the enforcement of a patent that is registered in several countries involves the risk of getting different and conflicting decisions from the national Courts. In February 2013, 25 European countries entered in an agreement that aims to homogenize the Patent system by creating the European Patent with Unitary effect and a Unified Patent Court (UPC). Having a patent enforceable in all of the jurisdictions of the signatory parties, through a single court proceeding, may represent an advantage to have legal certainty and lower down the costs of the patent dispute resolution. This paper will analyze how a cross-border patent dispute might be processed in the system of the UPC. But what will happen with the patents that are registered at an international level not only in the European Union? Does the UPC will solve the problems of the cross-border litigation of patents? In order to suggest an answer to these questions, the UPC system will be analyzed in comparison with an international Arbitration procedure. The analysis will focus on issues of the applicable law and enforcement of the judgment and the award.

Biography: I grew up in Mexico, studied a master in law and business in Germany and currently I am doing a PhD at Queen Mary, University of London.

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