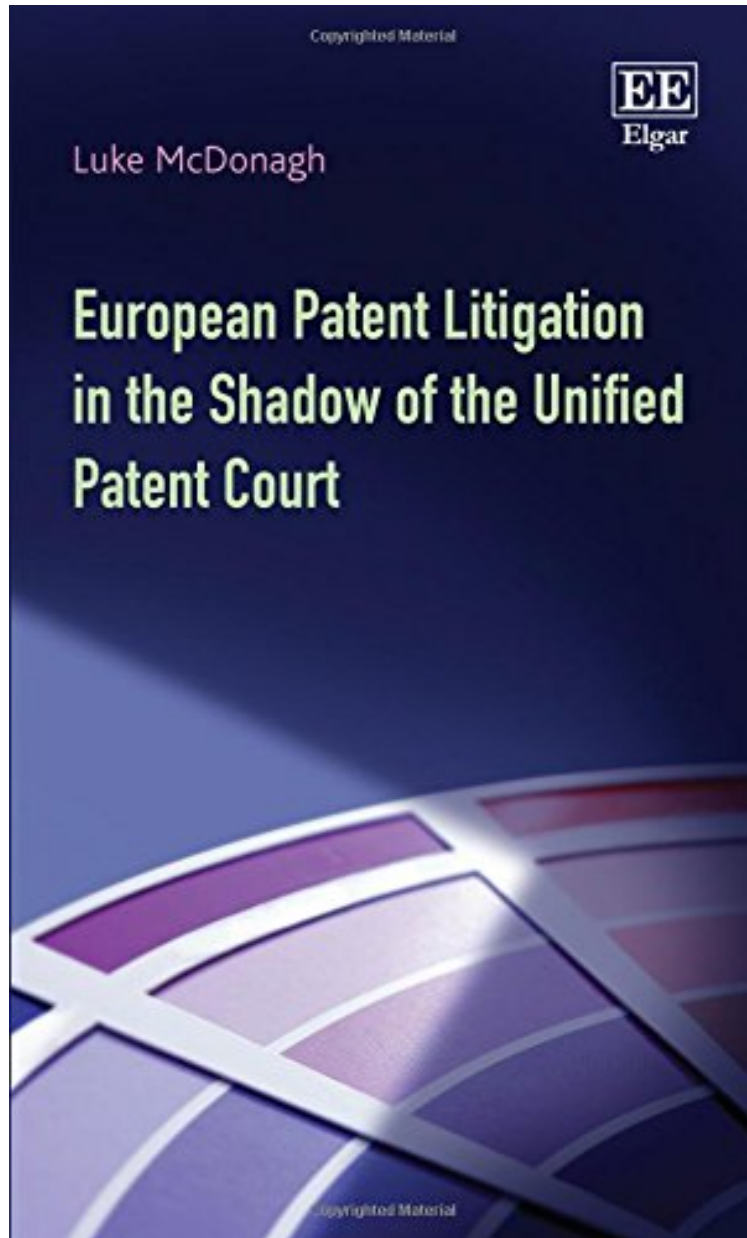


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European Patent Litigation in the Shadow of the Unified Patent Court

Luke McDonagh

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DETAILED, RESEARCH-BASED EXAMINATION OF EUROPEAN PATENT LITIGATION ACROSS A RANGE OF JURISDICTIONS An appreciation by Phillip Taylor MBE and Elizabeth Taylor of Richmond Green Chambers
As the author Luke McDonagh explains, the rationale for the writing of this book is that it is now possible for the first time to paint an accurate, detailed picture of patent litigation in Europe. This he does with commendable clarity, focusing on key European jurisdictions and referring to what he calls the seismic shift in European patent reform, which led inexorably to the creation of a Unified Patent Court (UPC), the result of an inter-governmental agreement of 2013 signed by the UK and twenty-four other countries. Using recent data, gleaned from a number of major studies, the book deals with the subject of patent litigation in four key European jurisdictions: the UK, Germany, France and the Netherlands, where most European patent litigation takes place. A new title from Edward Elgar, the book focuses on the possible impact of the UPC and UP patent litigation over both the shorter and longer term. In examining the current state of patent litigation in Europe and the crucial features of the reforms, McDonagh casts a speculative eye on the probable state of European patent litigation in the decades ahead. The hope here is that at some time in the future, the European patent system might be unified, thus offering innovators and inventors a cost-effective, easy to use system to ensure adequate protection of their intellectual property. Speaking of which, this book, like many another of late, was written shortly before the UK's earth moving decision to leave the European Union. So when it comes to patent litigation, an aura of uncertainty now looms. What is unlikely to change, however, is the spirit of inventiveness and the incessant fascination with the new that some see as an intrinsically British trait. All of which indicates that, in the words of Luke McDonagh's title, the UK will leave Europe all right, but it is more than likely that British commerce and industry, with its tradition of innovation will remain in the shadow of the Unified Patent Court for some time to come. It must also be said that with the relentlessly increasing globalization of business, the book will continue to maintain its relevance, Brexit or no Brexit. Clearly written and organised and extensively footnoted, the book is replete with useful references to recent research, thereby making a valuable contribution to the literature on European patent litigation. Also worth noting is the author's acknowledgement that the UK Intellectual Property Office provided the funding which supported his underlying research. Certainly the practical information and insightful commentary contained in this book will be appreciated by students, academics and policy makers, as well as practitioners. The publication date is cited as at 2016.

What will European patent litigation look like in 10 years time? With the coming into force of seismic reforms, *European Patent Litigation in the Shadow of the Unified Patent Court* combines close analysis of the current regime with a novel use of qualitative survey data to assess the introduction of the Unified Patent Court (UPC) and the new European Patent with Unitary Effect. Not long ago only scant data were publicly available on the subject of patent litigation in EU member states. Using recently published data, Luke McDonagh paints a detailed picture of the patent litigation system in the key European jurisdictions of the UK, Germany, France and the Netherlands. He then outlines the rationale for reform - the perceived need to provide a more efficient, cost effective, harmonious litigation system - as well as the structure of the key reformative innovations. Making use of evidence from within the business and legal communities, this book highlights the key issues concerning the new system and examines what the impact of the reforms is likely to be on Europe's patent litigation system in the near future. This illuminating book will be useful to scholars, including postgraduate students, practitioners and policy makers wishing to learn more about the future of patent litigation in Europe.

'This distinguished book is to be highly recommended for its comprehensive coverage of and practical information on the impending European patent system. It is definitely indispensable for people concerned not only with Europe but also internationally, including, of course, with Asia.' --Tatsuhiko Ueno, Waseda University, Tokyo, Japan
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