

New Swedish perspectives on IPR- The new Patent and Market Courts

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The Patent and Market Courts

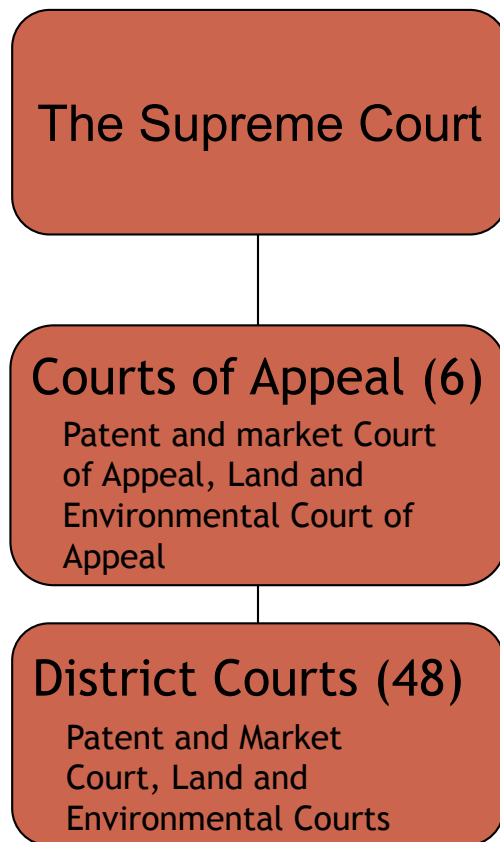
1. Background. Why a court reform?
2. Organization, including competence
3. Jurisdiction
4. A few statistics
5. Procedural rules, particularly on appeals
6. Conclusion



The Structure of the Swedish Court system

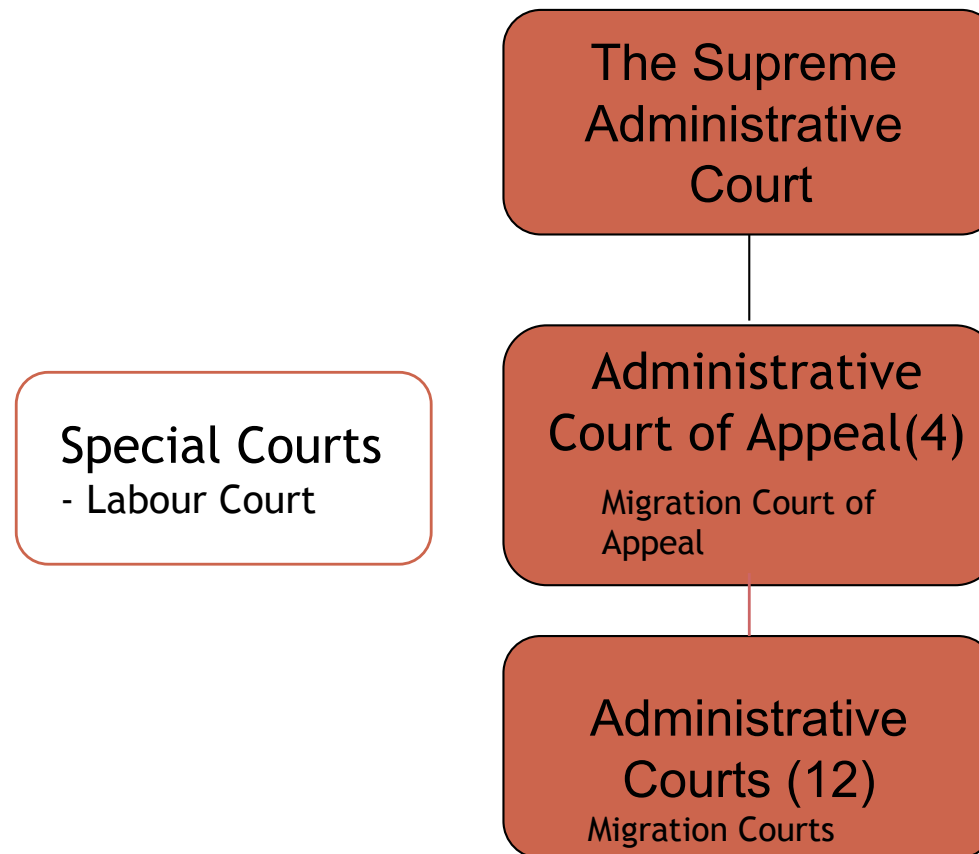
The General Courts

(criminal and civil cases)



The General Administrative Courts

(cases relating to public administration)





Jurisdiction of the Patent and Market Courts

- Jurisdiction in the following main areas
 - copyright law
 - patent law
 - trademark law
 - design law
 - market law
 - competition law
 - marketing law

E.g. of typical cases and matters

- Civil lawsuits; e.g. damages and injunctions deriving from IP infringements and nullifications (e.g. patent nullifications)
- Appeals of decisions from the Patent and Registration Office on registration of trademarks, granting of patents, etc.
- Lawsuits concerning unfair or misleading marketing practices and competition lawsuits
- Criminal actions re. IP infringements



Procedural rules

- The Patent and Market Courts Act
- Reference to general procedural rules and in addition some specific rules
- E. g.- specific rules re. consolidation of lawsuits
- Appeals - Main rule in all civil cases = Judgements and decisions from the Patent and Market Court of Appeal may not be appealed, if not specifically admitted

The role of the Court of Justice of the European Union

- Harmonized areas of law
- Article 267 of the Treaty on the Functioning of the European Union - Requests for Preliminary Rulings

Website - The Patent and Market Court of Appeal

www.patentochmarknadsoverdomstolen.se

Thank you from Christine!



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