
From: Pierre VÉRON [pierre.veron@veron.com]
Sent: 20 October 2009 11:55
To: Hoyng, Willem; Franzosi, Mario; C. Gassauer; Nodder, Edward; Eric de Gryse; Gonzalo de Ulloa; Pagenberg, Jochen; Mooney, Kevin; P. Lenoir; Peter Heinrich; Peter Ulrik Plesner; Veron, Pierre; Tilmann, Winfried
Subject: Patent litigation in France: the court of Paris has now jurisdiction for the whole of France
Attachments: 2009-10-09_Décret_n°2009-1204
_spécialisation_juridictions_en_matière_de_propriété_intellectuelle.pdf; 2009-10-09_Décret_n°2009-1205
_fixant_siège_et_ressort_juridictions_en_matière_de_propriété_intellectuelle.pdf

Dear EPLAW board members,

On 9 October 2009, the French government issued a decree giving exclusive jurisdiction to the court of Paris (*Tribunal de grande instance*) for all patent actions brought in France.

This is in line with the *view of the parties concerned* and we pushed for this reform (see [my statement on 17 April 2008 before the Commission Guinchard](#) on the allocation of civil cases between courts).

Before the reform, jurisdiction for patent cases was shared between 7 courts in France, with the result that most of them gained little experience of such matters.

The court of Paris, which was already dealing with 80% of the French cases, will have now exclusive jurisdiction for the whole of France.

It has been staffed to meet with this additional workload: 12 judges sitting in 4 panels of 3 are now operating in the specialist IP chamber.

This should further increase the expertise of French courts for patent cases.

For those of you who can read French, please find attached copies of the two French decrees of 9 October 2009, published in the Official Journal of 11 October 2009, providing the rules of jurisdiction of the French courts in intellectual property matters:

- ▶ Decree No. 2009-1204 of 9 October 2009 relating to the specialisation of courts in intellectual property matters
- ▶ Decree No. 2009-1205 of 9 October 2009 on the location and the jurisdiction of courts in intellectual property matters; this decree amends Article D. 211-6 of the Judiciary Organisation Code and Article 6 thereof amends Article D. 631-2 of the Intellectual Property Code giving the *Tribunal de Grande Instance* of Paris exclusive jurisdiction to hear proceedings in respect of patents, utility certificates, supplementary protection certificates and topographies of semiconductor products.

This decree will enter into force on 1 November 2009 (first day of the month following publication); the court to which the case has been referred remains competent to hear actions started before 1 November 2009.

From 1 November 2009, the president of the *Tribunal de Grande Instance* of Paris will have exclusive jurisdiction to authorise *saisies-contrefaçon* in patent matters.

Decree No. 2009-1204 of 9 October 2009 deals with the specialisation of the courts in the other fields of intellectual property.

Please do not hesitate to contact me should you require further information.

Best regards,

Pierre VÉRON

Avocat

Direct +33 (0)4 72 69 39 10

pierre.veron@veron.com

VÉRON & ASSOCIÉS

AVOCATS

1, rue Volney

F 75002 PARIS

Tél. +33 (0)1 47 03 62 62

Fax +33 (0)1 47 03 62 69

53, avenue Maréchal Foch

F 69006 LYON

Tél. +33 (0)4 72 69 39 39

Fax +33 (0)4 72 69 39 49

www.veron.com

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit:

<http://www.star.net.uk>
