



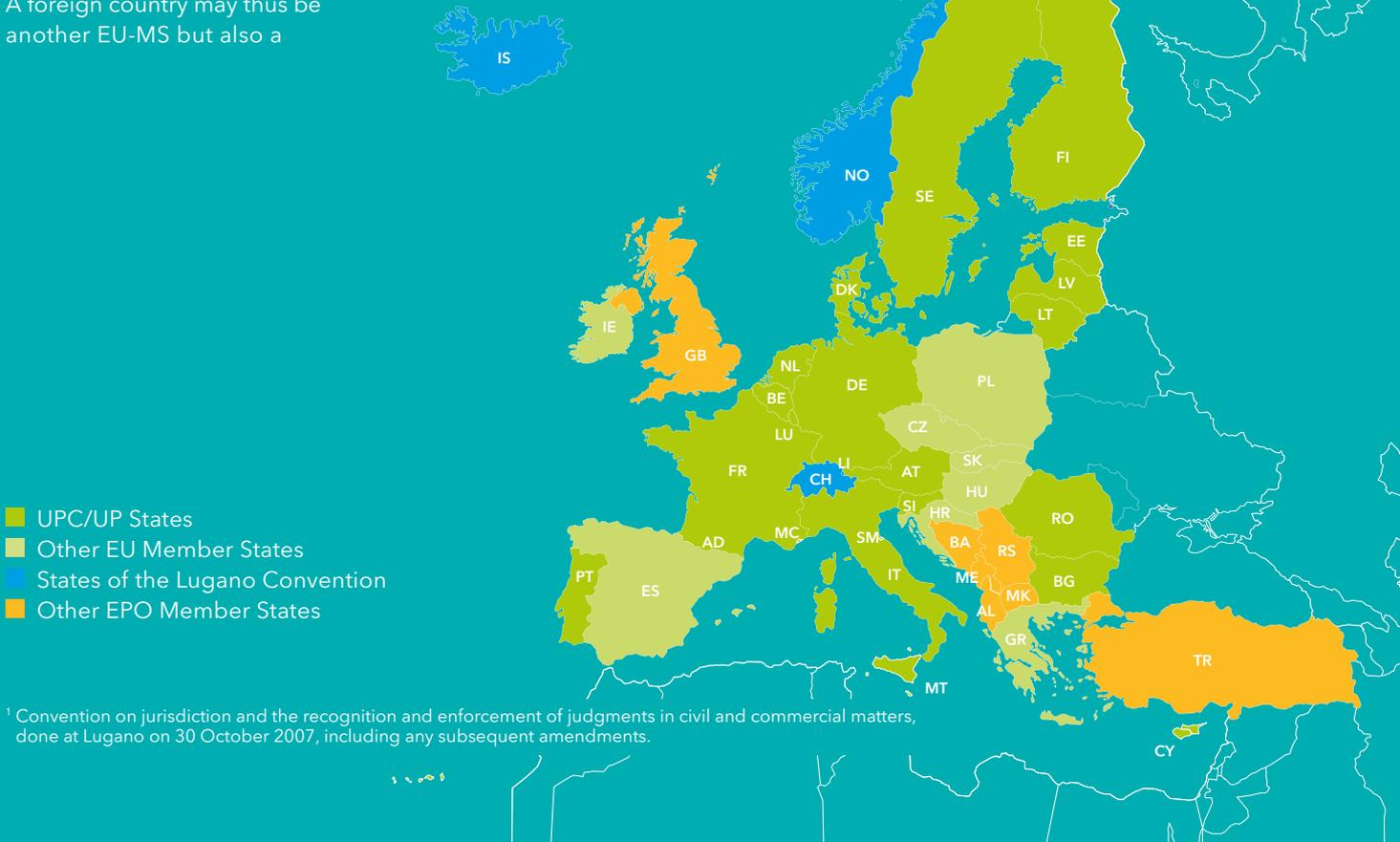
# ›Long-arm‹ jurisdiction of courts in the EU – how long is the arm?

## Competence to hear patent infringement cases in respect of ›foreign‹ patents

The first quarter of 2025 was characterized by landmark decisions of the Unified Patent Court (UPC) and the Court of Justice of the European Union (CJEU) on the so-called ›long-arm‹ jurisdiction of courts of the Member States of the EU (referred to in the following as **EU-MS**) to rule on patent infringement actions, wherein inter alia infringement of a patent with a foreign designation, i.e. of a patent granted or validated in a foreign country, was at issue. Here, ›foreign‹ relates to any additional country outside the EU-MS of the court seized. A foreign country may thus be another EU-MS but also a

**third country**, which is not an EU-MS and not bound by the Lugano Convention<sup>1</sup> or bilateral conventions in terms of Article 73 of the Brussels Ibis Regulation.

In this article, we summarize the legal background and briefly discuss potential implications of these recent decisions.



## 1. Legal context

The so-called ›Brussels Ibis Regulation‹<sup>2</sup> is a well-known and important pillar of European law on international civil proceedings containing, inter alia, a jurisdictional regime. It becomes relevant for any cross-border case in the EU having a link to more than one EU-MS, without being limited to exclusively intra-EU cases.<sup>3</sup>

The structure of this jurisdictional regime seems quite clear at first glance:

The general rule of jurisdiction (Article 4(1) of the Brussels Ibis Regulation) provides that – subject to other provisions of the same Regulation – a defendant domiciled in an EU-MS shall be sued in the courts of that EU-MS. This general jurisdiction also applies to patent infringement proceedings and may even extend to multinational infringement proceedings, thus allowing a patent proprietor to bring claims for infringement of patents in several countries before a single court in an EU-MS and to obtain comprehensive relief from a single forum.

However, according to Article 24(4) of the Brussels Ibis Regulation, which codifies the CJEU case law *GAT v. LUK*<sup>4</sup>, in proceedings concerned with the validity of patents, only the national courts of the EU-MS of the country for which the patent is granted or validated (and now also the UPC for European patents) shall have exclusive jurisdiction. This applies **irrespective of whether an invalidity attack is raised by way of an action or as a defense and regardless of the domicile of the parties**. Further, a European patent (referred to in the following as EP patent) validated in an EU-MS is subject to the same rules on jurisdiction on validity as national patents (Article 24(4) subpara. 2 of the Brussels Ibis Regulation).

Consequently, a patent proprietor may bring infringement proceedings in the EU-MS of the defendant's domicile for infringing acts of patents in foreign countries and the court seized has to decline its jurisdiction as soon as the alleged infringer either files a separate revocation action in the respective country or raises an invalidity attack against the foreign patent in the infringement proceedings.

In case of *lis pendens*, i.e. if revocation proceedings regarding the same patent and parties are pending before a court of a third country at the time a court of an EU-MS is seized, Articles 33 and 34 of the Brussels Ibis Regulation define the conditions under which the court seized may stay, dismiss or even continue the infringement proceedings if jurisdiction is based on Article 4 of the Brussels Ibis Regulation.

The same jurisdictional regime applies to the UPC: The international competence of the UPC is defined in Article 31 UPCA, which refers to the Brussels Ibis Regulation and the Lugano Convention, the latter binding Iceland, Norway and Switzerland.

Also, the Brussels Ibis Regulation includes provisions relating to the UPC, namely Articles 71a to 71d. According to Article 71a of the Regulation, **the UPC is a ›common court‹ and shall be deemed to be a court of an EU-MS**. Consequently, the UPC has jurisdiction where a court of a Contracting Member State of the UPCA (referred to in the following as UPC-CMS) would have jurisdiction under the Brussels Ibis Regulation in a matter governed by the UPCA (Article 71b (1) of the Brussels Ibis Regulation).

<sup>2</sup> REGULATION (EU) No 1215/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 12 December 2012, on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast), OJ L 351 20.12.2012, p. 1, recast of 26.02.2015.

<sup>3</sup> CJEU of 01.03.2005 – C-281/02 – Owusu, marginal no. 31; see also Kalden, GRUR Patent 2023, 178, 182, marginal no. 48.

<sup>4</sup> CJEU of 13.07.2006 – C-4/03 – *GAT v. LUK*.

Despite these fairly clear provisions in the Brussels Ibis Regulation, a number of open questions remain(ed), inter alia:

- › Does a validity attack against a foreign patent prevent a court of an EU-MS from continuing with infringement proceedings?
- › What happens if there is no lis pendens situation, but the validity of the foreign patent is only challenged in the framework of the infringement proceedings?
- › In case of lis pendens, is a stay of the infringement proceedings regarding this specific foreign patent until the outcome of the validity proceedings a must or an option, and does this stay affect only one or all patents in suit? Alternatively, may the court continue the infringement proceedings and decide on infringement of all patents, thus ignoring ongoing validity proceedings relating to the foreign patent and in particular not commenting on (in)validity aspects?
- › Or, can the court consider validity as an incidental question to rule on infringement, with an inter partes effect of the ruling on validity only?
- › And finally: Does it make a difference whether the patent is a foreign patent for another EU-MS or a foreign patent for a third country?

Both the UPC and the CJEU have provided answers recently, whereby the UPC had the first serve.

## 2. Decision UPC\_CFI\_355/2023 of the Dusseldorf Local Division – Fujifilm v. Kodak

On 28 February 2025, the Dusseldorf Local Division (LD) of the UPC issued a decision dealing inter alia with the long-arm jurisdiction of the UPC regarding third countries (here: the United Kingdom (UK)).

*The case: FUJIFILM Corporation (Plaintiff) sued three German entities of Kodak (Defendants) for infringement of EP 3 594 009, in force in Germany and the United Kingdom, before the Dusseldorf LD of the UPC. No opposition was pending at the EPO, nor was any national revocation action pending at the time of the infringement proceedings. The Defendants sought revocation of the patent by means of a UPC counterclaim*

*for revocation for the territory of all UPC-CMS in which the EP patent is in force, which was only Germany (i.e. the DE part). Revocation (on a national basis) was not sought for the UK part of the patent at the time of the decision. Regarding the UK, the Defendants lodged a preliminary objection against the jurisdiction of the court seized.*

The Dusseldorf LD stated that it has **international competence** to decide the case with respect to the infringement action for Germany and the UK arising from Article 4(1) in conjunction with Article 71b(1) of the Brussels Ibis Regulation and Article 31 UPCA (see section A.II.1 of the Grounds).

Although a decision in the (at that time pending) CJEU case *BSH Hausgeräte v. Elektrolux* (see Chapter 3 below) was expected only a few weeks later, the Dusseldorf LD was of the opinion that the outcome of that case was not decisive for the *Fujifilm v. Kodak* case (as regards the third question referred to the CJEU concerning jurisdiction for revocation actions for third country-patents) and therefore **no stay** was required. In the Court's view, there was no situation in which the Court had to decide whether it has jurisdiction to revoke the UK part of the EP patent since no (national) revocation action was pending in the UK (see section A.II.2.a) of the Grounds).

**›Even if the Court cannot decide on the validity of the UK part of the patent in suit, and certainly cannot revoke that part, the infringement action cannot be successful in such a factual and legal situation‹.**

Providing detailed and worthwhile reasons, the Court held that it has **jurisdiction to decide the infringement action in respect of the UK part** of the EP patent (see section A.II.2.b) of the Grounds), thus making use of the UPC's long-arm jurisdiction extending to non-EU-MS. In this context, the Court made also clear that the question of jurisdiction is to be separated from the question of the (national) law to be applied for determining infringement in third countries.

Further, the Court found that the patent in suit is to be revoked in its entirety, within the framework of the UPC counterclaim for revocation (for which it has competence according to Article 32(1) UPCA), which concerns only the DE part of the EP patent. Therefore, the infringement action regarding acts in Germany was without basis and thus to be rejected.

During the proceedings, the Defendants argued that the UK part of the EP patent is invalid for the same reasons as the DE part (see section D of the Grounds). Although the Court stated that it had no competence to rule on the validity of the UK part, it concluded that the grounds for invalidity of the DE part also apply to the UK part, irrespective of any differences between the UPC-CMS and the UK potentially leading to another outcome of invalidity assessment regarding the UK part, in particular because the Plaintiff did not comment on such differences potentially leading to another outcome of invalidity assessment regarding the UK part. Thus, the Court found that *›even if the Court cannot decide on the validity of the UK part of the patent in suit, and certainly cannot revoke that part, the infringement action cannot be successful in such a factual and legal situation‹*.

Hence, the Dusseldorf LD **confirmed jurisdiction regarding infringement of a third country-patent and ruled on infringement of the UK part of the EP patent**. Without having jurisdiction regarding validity of the UK part of the EP patent, the Court considered validity aspects as *›primary question‹* for the decision on infringement of the UK part – which in the end may be regarded as a *›decision‹* on validity with *inter partes* effect.

The UPC's case management system does not show (as of April 7, 2025) that an appeal has been filed, so the *Fujifilm v. Kodak* case does not appear to lead to a decision of the Court of Appeal of the UPC on long-arm jurisdiction.

### 3. Judgement of the Grand Chamber of the CJEU in the case C-339/22 – BSH v. Electrolux

Shortly after the *Fujifilm v. Kodak* decision, the long-awaited ruling of the CJEU on the international jurisdiction of EU courts, particularly in cases relating to third countries, was issued on 25 February 2025 in the case *BSH v. Electrolux*.

**The case:** *BSH Hausgeräte GmbH (Plaintiff)*, a company incorporated under German law, filed an infringement action concerning infringement of **all the national parts (Germany, Greece, Spain, France, Italy, the Netherlands, Austria, Sweden, the United Kingdom and Turkey)** of the EP patent EP 1 434 512 against *Electrolux AB (Defendant)*, a company incorporated under Swedish law, before the competent Court in **Sweden**. The Plaintiff sought an order requiring the Defendant to cease using the patented invention in all countries in which the EP patent had been validated and for the Defendant to be ordered to pay reasonable remuneration and damages for the allegedly unlawful use of that invention.

In the first instance decision, the Swedish Court declared that it did not have jurisdiction to hear the action relating to infringement of patents validated in EU-MS other than the Kingdom of Sweden. It also declared that it did not have jurisdiction to hear the action alleging infringement of the patent validated in Turkey (i.e. the TR part, *›the Turkish patent‹*) on the ground that Article 24(4) of the Brussels Ibis Regulation is the expression of a principle of jurisdiction recognized at international level. Following the appeal of the Plaintiff against this decision, the Swedish Court of Appeal decided to stay the proceedings and to **refer three questions to the CJEU** for a preliminary ruling:

- ▶ *›Is Article 24(4) of the Brussels Ibis Regulation to be interpreted as meaning that the expression ›proceedings concerned with the registration or validity of patents ... irrespective of whether the issue is raised by way of an action or as a defence‹ implies that a national court, which, pursuant to Article 4(1) of that regulation, has declared that it has jurisdiction to hear a patent infringement dispute, **no longer has jurisdiction to consider the issue of infringement if a defence is raised that alleges that the patent at issue is invalid, or is the provision to be interpreted as meaning that the national court only lacks jurisdiction to hear the defence of invalidity?***
- ▶ *Is the answer to Question 1 affected by whether national law contains provisions, ..., which means that, for a defence of invalidity raised in an infringement case to be heard, the defendant must bring a separate action for a declaration of invalidity?*
- ▶ *Is Article 24(4) of the Brussels Ibis Regulation to be interpreted as being applicable to **a court of a third State**, that is to say, in the present case, as also conferring exclusive jurisdiction on a court in **Turkey**<sup>5</sup> in respect of the part of the European patent which has been validated there?‹*

In short, the CJEU's answer to all referred questions is **›No‹**.

<sup>5</sup> The third question was limited to Turkey, although also the UK is not an EU-MS (nor a member of the Lugano Convention). It is understood that the same applies to the UK, based on the reasoning given by the CJEU.

## Extracts from the Brussels Ibis Regulation

### Article 4 (1)

Subject to this Regulation, persons **domiciled in a Member State** shall, whatever their nationality, **be sued in the courts of that Member State.**

### Article 24 (4)

The following **courts of a Member State shall have exclusive jurisdiction**, regardless of the domicile of the parties:

...

**(4) in proceedings concerned with the registration or validity of patents, trademarks, designs, or other similar rights required to be deposited or registered, irrespective of whether the issue is raised by way of an action or as a defence, the courts of the Member State in which the deposit or registration has been applied for, has taken place or is under the terms of an instrument of the Union or an international convention deemed to have taken place.**

Without prejudice to the jurisdiction of the European Patent Office under the Convention on the Grant of European Patents, signed at Munich on 5 October 1973, **the courts of each Member State shall have exclusive jurisdiction in proceedings concerned with the registration or validity of any European patent granted for that Member State.**

### Article 71a

- (1) For the purposes of this Regulation, a court common to several Member States as specified in paragraph 2 (a ›common court‹) shall be deemed to be a court of a Member State when, pursuant to the instrument establishing it, such a common court exercises jurisdiction in matters falling within the scope of this Regulation.**
- (2) For the purposes of this Regulation, each of the following courts shall be a common court:**
  - (a) the Unified Patent Court established by the Agreement on a Unified Patent Court signed on 19 February 2013 (the ›UPC Agreement‹); ...**

### Article 71b(1) and (2)

The jurisdiction of a common court shall be determined as follows:

- (1) a common court shall have jurisdiction where, under this Regulation, the courts of a Member State party to the instrument establishing the common court would have jurisdiction in a matter governed by that instrument;**
- (2) where the defendant is not domiciled in a Member State, and this Regulation does not otherwise confer jurisdiction over him, Chapter II shall apply as appropriate regardless of the defendant's domicile.**

Application may be made to a common court for provisional, including protective, measures even if the courts of a third State have jurisdiction as to the substance of the matter; ...

## Extract from the UPC Agreement

### Article 31 International jurisdiction

The international jurisdiction of the Court shall be established in accordance with Regulation (EU) No 1215/2012 or, where applicable, on the basis of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Lugano Convention).

Specifically, the CJEU ruled that Article 24(4) of the Brussels Ibis Regulation must be interpreted as

- › meaning that a court of the Member State of domicile of the defendant which is seised, pursuant to Article 4(1) of that regulation, of an action alleging infringement of a patent granted in another Member State, does **still have jurisdiction to hear that action where, in the context of that action, that defendant challenges, as its defence, the validity of that patent, whereas the courts of that other Member State have exclusive jurisdiction to rule on that validity** (regarding the first question and - at least implicitly - the second question); and
- › **not applying to a court of a third State and, consequently, as not conferring any jurisdiction, whether exclusive or otherwise, on such a court as regards the assessment of the validity of a patent granted or validated by that State. If a court of a Member State is seised, on the basis of Article 4(1) of that regulation, of an action alleging infringement of a patent granted or validated in a third State in which the question of the validity of that patent is raised, as a defence, that court has jurisdiction, pursuant to Article 4(1), to rule on that defence, its decision in that regard not being such as to affect the existence or content of that patent in that third State or to cause the national register of that State to be amended** (regarding the third question).

This very clear decision **confirms that a court of an EU-MS which is competent under Article 4(1) of the Brussels Ibis Regulation does not lose jurisdiction over a multinational infringement action concerning acts violating a patent granted for a foreign country only because the defendant raises an invalidity defense concerning that foreign country.** However, the CJEU made clear that there is a difference as regards the ›territorial context‹ of that foreign country:

**If the foreign country is an EU-MS** (or bound by the Lugano Convention or corresponding bilateral conventions in terms of Article 73 of the Brussels Ibis Regulation), it follows from Article 24(4) of the Brussels Ibis Regulation that the exclusive jurisdiction laid down in this provision **concerns only the part of the dispute relating to the validity of the patent** in suit. This could mean that infringement proceedings are separate from a revocation action pending with a court of another, i.e. foreign EU-MS.

But how to proceed with the infringement proceedings in such a case? Regarding a possible stay, the CJEU states: ›If it considers it justified, in particular where it takes the view that there is a reasonable, non-negligible possibility of that patent being declared invalid by the court of that other Member State that has jurisdiction (...) the court seised of the infringement action may, where appropriate, stay the proceedings, which allows it to take account, for the purpose of ruling on the infringement action, of a decision given by the court seised of the action seeking a declaration of invalidity‹ (see marginal no. 51 of the Decision).

It remains to be seen whether a stay due to validity proceedings in another EU-MS to which the infringement proceedings relate may be limited to the part of the infringement proceedings concerning only that EU-MS, meaning that the infringement proceedings are split. If so, validity proceedings may need to be lodged in any foreign EU-MS involved to ensure a stay of the entire infringement proceedings.

In this context, regarding the **applicable substantive law**, the CJEU makes clear that infringement of a foreign patent has to be examined in the light of the patent law of the country for which that patent was granted or validated (marginal no. 40 of the Decision).

**If the foreign country is a third country**, Article 24(4) of the Brussels Ibis Regulation is not applicable because the jurisdictional regime of this Regulation is a system of competence internal to the EU (marginal no. 54 et seq. of the Decision). Therefore, a court of the EU seised, on the basis of Article 4(1) of the Brussels Ibis Regulation, for an infringement action concerning a patent granted or validated in a third country may in general consider both infringement and validity if the latter is raised as a defense in the context of the infringement proceedings. There are, however, two further restrictions:

- › In case of *lis pendens*, the court may be prompted to stay, or even terminate the infringement proceedings, according to Articles 33 and 34 of the Brussels Ibis Regulation.
- › The rules and principles of general international law, in particular the **principle of non-interference**, are of course binding and form part of the EU legal order. Thus, the Brussels Ibis Regulation is to be interpreted in the light of the general rule that ›grant of a national patent is an exercise of national sovereignty‹ and only the courts of this country may decide on the validity of such a foreign patent. To comply with these restrictions, the CJEU made clear that a decision of the court of an EU-MS on validity of a third country-patent has **only inter partes effect** (see marginal no. 68-76 of the Decision), meaning that the third country-patent remains valid, but, depending on the details of the individual case, may not be enforced against the defendant in the context of this specific infringement scenario.

#### 4. UPC case law post *BSH v. Elektrolux*

##### Procedural Order UPC\_CFI\_702/2024 of the Paris Local Division – *IMC Créations v. Multi-T-Lock*

The main points of both landmark decisions discussed in Chapters 2 and 3 above have been first applied by the Paris LD of the UPC in its procedural order of 21 March 2025.

*The case:* IMC Créations (Plaintiff) sued Multi-T-Lock's German and Swiss entities (Defendants) for infringement of EP 4 153 830, validated, inter alia, in Spain (EU-MS, but not UPC-CMS), Switzerland (MS of the Lugano Convention) and the UK (third country). The Defendants lodged a preliminary objection with regard to international jurisdiction and competence of the UPC concerning the ES, CH and UK parts of the patent. The validity of the EP patent was not attacked, neither as a defense nor in separate UPC or national revocation proceedings.

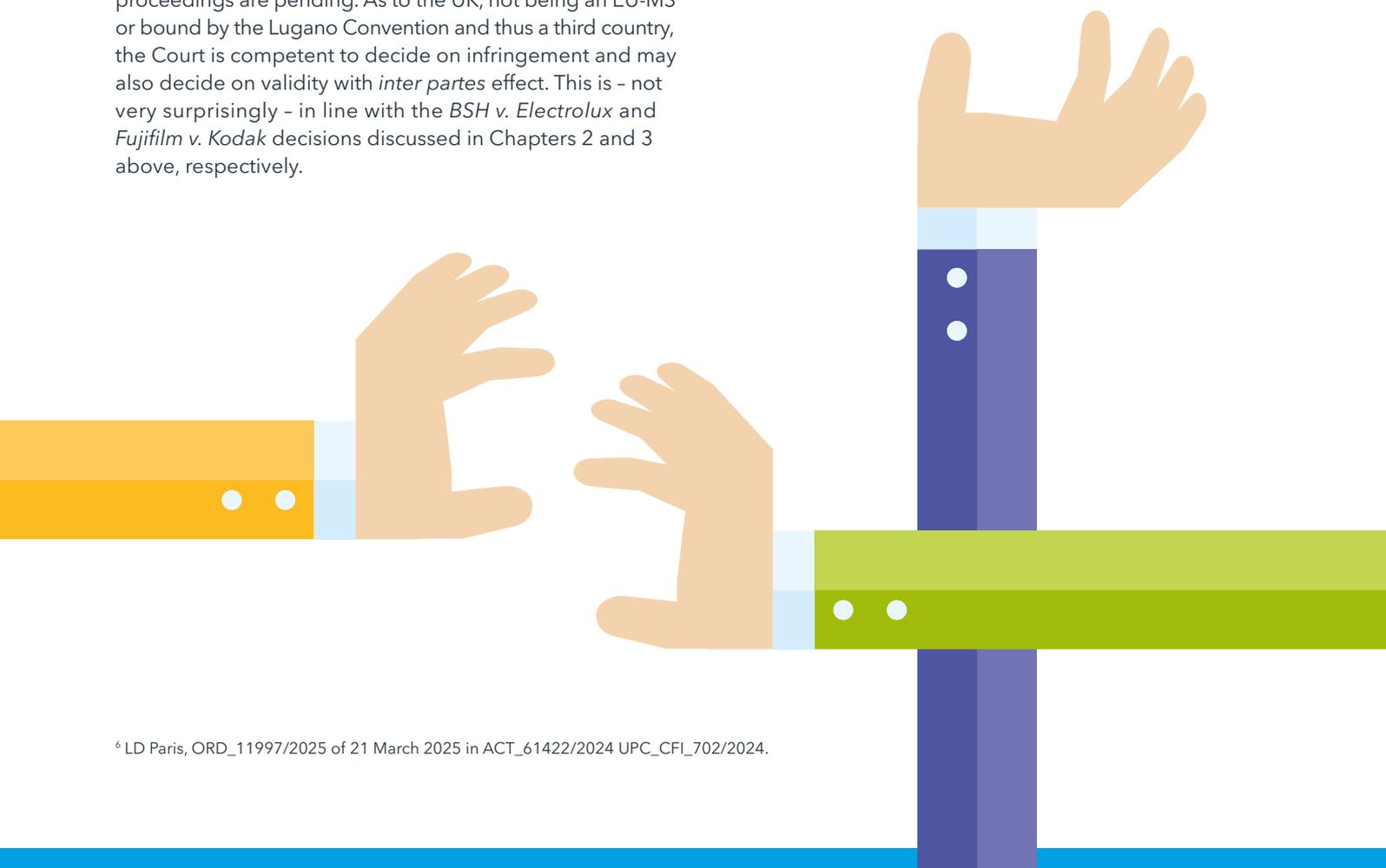
In marginal nos. 20 and 21 of the Decision, the Court comes to the conclusion that, applying the provisions of the Brussels Ibis Regulation as interpreted in *BSH v. Electrolux*, it is **competent to decide on infringement in all relevant countries**: Concerning Spain (EU-MS) and Switzerland (bound by the Lugano Convention), the UPC is competent to decide on infringement and, if deemed appropriate, may stay the infringement proceedings if national revocation proceedings are pending. As to the UK, not being an EU-MS or bound by the Lugano Convention and thus a third country, the Court is competent to decide on infringement and may also decide on validity with *inter partes* effect. This is – not very surprisingly – in line with the *BSH v. Electrolux* and *Fujifilm v. Kodak* decisions discussed in Chapters 2 and 3 above, respectively.

Interestingly, the Paris LD did not distinguish between the German Defendant and the Swiss Defendant (in respect of which the Court also has competence) and thus declared jurisdiction to decide on infringement of, inter alia, a non-UPC part of an EP patent (namely the CH part) by a non-EU domiciled Defendant (namely the Swiss Defendant). The Paris LD did not even comment on this point.

##### Final Order UPC\_CFI\_792/2024 of the Milan Local Division – *Dainese v. Alpinestars*

On 8 April 2025, the Milan LD of the UPC issued a Final Order<sup>6</sup> on the Defendant's preliminary objection alleging lack of jurisdiction. With reference to the decisions *BSH v. Elektrolux*, *Fujifilm v. Kodak* and *IMC Créations v. Multi-T-Lock*, the Court found that it has jurisdiction to adjudicate on infringement issues related to EP patents validated in non-UPC-CMS – in this case Spain – if the Defendant is domiciled in Italy. Thus, and in line with the **three decisions discussed above**, the preliminary objection was dismissed.

**Some may regard the CJEU decision as a game changer to international patent litigation.**



<sup>6</sup> LD Paris, ORD\_11997/2025 of 21 March 2025 in ACT\_61422/2024 UPC\_CFI\_702/2024.

## 5. Key Takeaways

›Long-arm‹ jurisdiction – in the meaning of giving a court a **geographically far-reaching jurisdiction beyond the national borders** – is available before national courts in the EU, and also before the UPC. For the latter, it is noted that the UPC shall be treated like a national court of an EU-MS.

The three cases discussed above concern EP patents validated, among others, in the EU-MS in which the defendant(s) is(are) domiciled. **The ›long-arm‹ of courts of an EU-MS, including the UPC, has been confirmed to extend to (at least) all Contracting Members states of the EPC (referred to as EPC-CMS), no matter whether they are EU-MS or third countries.** Hence, ›centralized infringement actions‹ before EU courts now seem meaningful in light of the *BSH v. Electrolux* decision. For the UPC, the ›long-arm‹ meanwhile appears to be established.

The CJEU did not distinguish between an EP patent and national patents in connection with foreign EPC-CMS in the *BSH v. Electrolux* decision. Consequently, it seems possible under the Brussels Ibis Regulation's jurisdictional regime to sue a defendant domiciled in an EU-MS for infringement of a foreign patent which is not another national part of the same EP patent (the latter of which may, for good reasons, be seen as the same patent). Without such limitations, it appears possible to enforce a patent granted anywhere in the world, i.e. **any foreign patent, before a national court of the EU-MS of the defendant's domicile**. Therefore, overly enthusiastic patent proprietors and litigators may even contemplate litigating patents granted outside Europe, such as US or CN patents, before a national court of an EU-MS. This would, however, not be possible before the UPC, which is only competent for EP patents and EP patents with unitary effect, according to Article 1 UPCA.

Further, in the cases decided so far, the subject patent of the legal dispute has been, inter alia, a national part of an EP patent validated in the EU-MS of the court seized: In the cases before the Dusseldorf LD and Paris LD, the UPC was clearly competent because of the DE and FR parts of the respective EP patent. In the case underlying the CJEU decision, the competence of the Swedish courts was not questioned at least for the SE part of the EP patent. We are not aware of cases in which the court seized had not at least undisputed competence for the ›domicile‹ EU-MS of the defendant. On this basis, it appears advisable to always seek patent protection in the EU-MS of a competitor's domicile. To ensure identity of the scope of protection offered by a patent in a third country, an EP patent may be preferable over a plurality of individual nationally granted patents.

The CJEU decision definitely re-opens European, and potentially even global, cross-border patent litigation. Some may regard the CJEU decision as a **game changer** to international patent litigation:

For **potential defendants domiciled in the EU**, the CJEU decision means a need for increased vigilance, thinking far ahead and, above all, increased financial effort if they want to defend themselves by arguing invalidity of a patent and, if possible, to obtain a stay of infringement proceedings. As a general rule, it may be necessary to initiate separate revocation proceedings for each foreign country, preferably before an infringement action is brought. A ›global‹ injunctive relief infringement action would require a relatively large number of national revocation actions just to secure the possibility of a stay – which is, however, not mandatory but optional, as the CJEU has made clear.

For **future plaintiffs**, too, this could mean increased effort, as the infringement and, if stay plays a role, also the validity of foreign patents will have to be assessed according to the respective national law. It is the plaintiff's task to ›familiarize‹ the court seized with foreign national law. Not only for this reason the question arises whether it indeed makes sense to initiate a ›centralized infringement case‹. A further risk a future plaintiff may be running into is whether or not foreign, in particular non-EU-MS jurisdictions will recognize and enforce such a decision rendered by a foreign (EU-MS) court.

The CJEU decision may also have an impact on **patent prosecution strategies**, in particular for the time after the transitional period of the UPCA, i.e., when (not opted-out) EP patents can no longer be enforced before national courts of a UPC-CMS. National patents may become a more preferable alternative or addition to EP patents, as for national courts it is (at least), in theory, not excluded that their jurisdiction embraces e.g. US or CN patents.

Finally, and thinking beyond the patent box, it should be emphasized that the CJEU decision is not limited to patents but may relate to all types of IP rights.

So – yes: the new CJEU case law is a game changer, and the games – with all their strategic concepts and opportunities for risk management – are open!



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