

Index

- Agreement on a Unified Patent Court (2013) 2, 5–6, 16, 79–80
see also Unified Patent Court (UPC)
- breakdown between UPC divisions 96
- damages/compensation 95
- governing law for unitary patents and patentees from states not part of 118–19
- intention behind 85
- non-infringement claims 97
- ‘offering’ for sale/supply of a patented product under 86–7
- procedural stages of an action 100
- ratification 82, 104, 111–12, 113
- structure of UPC 92
- substantive patent law 84, 85
- appeals to Court of Appeal (Luxembourg) *see* Court of Appeal of UPC (Luxembourg)
- applicable law
- France 45–7
 - Germany 31–4
 - the Netherlands 57–8
 - United Kingdom 18–20
- Austria 92, 113
- Belgium 92
- bifurcation of proceedings 124
- comparative analysis 67–9
 - concerns for users of UPC 140–41
 - costs issues 68–9
 - in Germany 5, 34, 37, 67, 99
 - mandatory, in Germany 99
 - optional, within the UPC 99–100
 - in UPC 6, 98–100
- Boards of Appeal, European Patent Office 4, 15
- Bolar Exemption defence, infringement 87, 88
- Bouvet, Thomas 56
- BPatG (German Federal Patent Court) 33, 34, 35, 37, 38, 39, 40, 44, 45, 67, 70, 72, 75
- Brussels I Regulation, and UPC 83–4
- Bulgaria 93
- business and legal communities 8, 122–57
- business sector issues 150–55
 - chemical and pharmaceutical industries, litigant companies in 29
 - empirical research methodology 122–39
 - impact of reforms on legal community 155–7
 - key concerns for users of UPC 139–47
 - key issues for users of new system 157
 - location of central divisions 155
 - opt-out from jurisdiction of UPC 147–50
 - SMEs in new system 151–4
 - whether stakeholders in various sectors well informed on UPC/UP 155
 - which sector benefits the most from new system 150–51
- case management conference (CMC) 21

- CdA (French Court of Appeal) 45, 47
- Chancery Division of High Court (HC) of Justice, England and Wales 19
- chemical and pharmaceutical industries, litigant companies in (UK) 29, 73
- Civil Procedure Rules (CPR), UK 19
- Claessen, R. 43
- ‘clearing the way’ doctrine 23, 57, 71, 74, 94
- Community Trade Marks (EU Trade Marks) 10–11
- comparative analysis 4–5
 - applicable law and competent courts
 - France 45–7
 - Germany 31–4
 - the Netherlands 57–8
 - United Kingdom 18–20
- bifurcation of proceedings 67–9
- case volumes 71–2
- costs awards
 - France 53–4
 - Germany 40–42
 - the Netherlands 64–5
 - United Kingdom 26–8
- court fees and litigation costs 76–7
- disclosure and evidence gathering 66
 - France 48–50
 - Germany 35
 - the Netherlands 59–60
 - United Kingdom 21
- empirical research on patent litigation
 - France 54–7
 - Germany 42–5
 - the Netherlands 65–6
 - United Kingdom 28–31
- forum shopping 67
- injunctions 73–4
- interim injunctions and post-trial enforcement
 - France 50–52
 - Germany 37–9
 - the Netherlands 61–3
 - United Kingdom 22–4
- judicial outcomes 72–3
- key challenges to be addressed by UPC 78
- length of proceedings
 - France 53, 69
 - Germany 40, 69
 - the Netherlands 63–4
- oral hearing 69
- overall proceedings 69–70
- United Kingdom 26
- parallel litigation across EU jurisdictions 75–6
- procedural structure, assessing
 - France 47–52
 - Germany 34–9
 - the Netherlands 59–63
 - United Kingdom 20–26
- relationship between EPO opposition decisions and enforcement
 - France 52
 - Germany 39
 - the Netherlands 63
 - United Kingdom 24–6
- settlements 74–5
- trial hearing
 - France 50
 - Germany 35–7
 - the Netherlands 60–61
 - United Kingdom 22
- types of patents litigated in the various jurisdictions 73
- unique characteristics of jurisdictions 4–5
- compensation actions 95–6
- competition law-related defences, infringement 87
- costs assessments, UPC/UP 131–8
 - comparative analysis 76–7
 - opt-out fee 131–2
 - UP renewal fee levels 136–8

- value-based fees 133–4
- whether UPC will help to lower
 - patent litigation costs in Europe 134–6
- costs awards
 - see also* costs assessments, UPC/UP
 - bifurcation of proceedings 68–9
 - and fee shifting *see* fee shifting
 - France 53–4, 77
 - Germany 40–42, 77
 - the Netherlands 64–5, 77
 - United Kingdom 26–8, 76, 77
- court competence
 - France 45–7
 - Germany 31–4
 - the Netherlands 57–8
 - United Kingdom 18–20
 - of UPC 6, 93–8
- court fees and litigation costs, comparative analysis 76–7
- Court of Appeal of UPC (Luxembourg) 102, 106, 110, 125
- Court of Justice of the European Union (CJEU) 20, 47, 62
 - relationship with UPC 6, 88–90
 - as supra-national court 88
- Cremers, K. 38, 41, 42–3, 44, 45, 56–7, 64, 65, 68, 71–2, 74, 75
- Croatia 6, 82, 112
- cross-border injunctions 5, 61–2, 74
- Cyprus 93
- Czech Republic 93
- damages 51, 52
- data analysis 131–8
- decision making inconsistency 15–16, 17
- declaration of non-infringement 159
 - see also* infringement
 - comparative analysis 21, 23, 33, 48, 57, 59, 71, 74
 - and Unified Patent Court 94, 95, 97
- defences, infringement 87, 88
- Denmark 92
- disclosure
 - differences between jurisdictions 66
 - France 35, 66
 - Germany 35
 - the Netherlands 59–60, 66
 - United Kingdom 21, 66
- DPMA (Patent and Trade Mark Office, Germany) 34–5, 44
- electronic patents, France 73
- empirical research on patent litigation 7–9
 - conduct of interviews (January to March, 2014) 129–31
 - costs assessments, UPC/UP 131–8
 - data analysis 131–8
 - Engineering sector 127
 - France 54–7
 - Germany 42–5
 - Information and Communications Technology (ICT) sector 127, 166
 - interview questions, developing 123–6
 - methodology 122–39
 - the Netherlands 65–6
 - patent portfolio, pruning 138–9
 - Pharma sector 128, 137, 138, 141, 144, 150–51, 153
 - representative sample, creating 126–9
 - United Kingdom 28–31
 - UP vs EP 139
- enforcement
 - EPO opposition proceedings and Dutch enforcement 63
 - and French enforcement 52
 - and German enforcement 39
 - and UK enforcement 24–6
 - EU Directive 35, 60, 61, 64
 - European Patent Convention 11–17

- post-trial enforcement
 - Germany 37–9
 - United Kingdom 22–4
- UPC powers 6
- Engineering sector (ENG) 158, 166, 167, 175, 183, 184, 186, 187, 188
- empirical research on patent litigation 127, 137, 144, 146, 150, 151, 154, 155
- enhanced cooperation, EU
 - Regulations implementing 5–6
- EPC *see* European Patent Convention (EPC)
- EPO *see* European Patent Office (EPO)
- EPs *see* European Patents (EPs)
- European Patent Bulletin 114
- European Patent Convention (EPC) 3, 10–17
 - European Patents, application and enforcement 11–17
 - parties to 57
 - signatories to 112
 - substantive patent law modelled on 86
 - terms 11
 - text 11
- European Patent Office (EPO)
 - bifurcation of proceedings 67
 - Boards of Appeal 4, 15
 - bundle of patents for same invention 12–13
 - Economic and Scientific Advisory Board report 116–17
 - infringement 13–14
 - national applications 12
 - opposition proceedings 4, 15, 24–6, 25, 39, 52, 63
 - patent application 12
 - validation of European Patents 3
- European Patents (EPs)
 - application and enforcement 11–17
 - compared to Trade Marks 10–11
 - degree of litigation, comparative analysis 73
 - European Patent with Unitary Effect *see* Unitary Patent (UP)
 - failure of EU to agree on a uniform, harmonized Community Patent system 10–11
 - France, procedural structure 47, 52, 55
 - ‘offering’ for sale/supply of a patented product under UPC Agreement 86–7
 - opt-out of from jurisdiction of UPC 103–5
 - private costs 123
 - replacement part, and ‘making’ 86
 - system 1–9
 - with unitary effect 111–19
 - and Unitary Patent 80, 139
 - United Kingdom, procedural structure 24, 25, 31
- evidence gathering
 - differences between jurisdictions 66
 - France 48–50, 66
 - Germany 35, 66
 - the Netherlands 59–60, 66
 - United Kingdom 21
- exhaustion defence, infringement 87
- fee shifting
 - France 53–4
 - United Kingdom 27–8
 - United States 27
- fees 161
 - see also* costs assessments, UPC/UP; costs awards
 - comparative analysis 76–7
 - fee shifting *see* fee shifting
 - ‘fixed’ fee models 76, 77
 - renewal, Unitary Patent 116–17, 136–8, 166–8

- value-based 40, 53, 76, 77, 124, 133–4, 159–60
- filing an action, in UPC 6, 98–100
- Finland 92
- forum shopping 67, 72
 - and Unified Patent Court 7, 8, 107, 142–4
- France
 - applicable law and competent courts 45–7
 - Code of Civil Procedure 45
 - costs awards 77
 - and fee shifting 53–4
 - Court of Appeal (CdA) 45, 47
 - data sources 1
 - disclosure and evidence gathering 48–50, 66
 - empirical research on patent litigation 54–7
 - forum shopping 67
 - Germany compared 40, 50, 51, 53, 54
 - infringement in 73
 - Intellectual Property Code 45
 - interim injunctions and post-trial enforcement 50–52
 - judicial expertise 66
 - Judicial Organisational Code 45
 - length of proceedings 53, 69
 - the Netherlands compared 59–60
 - Paris, primary central division of UPC located in 82, 91, 98
 - patent litigation venue (Paris) 4
 - patent-friendly jurisdiction, viewed as 73
 - procedural structure 47–52
 - relationship between EPO opposition decisions and enforcement 52
 - saisie* procedures 5, 48, 49, 52, 59, 66, 74
 - settlements 75
 - Supreme Court (CC), Commercial Chamber 47
 - trial hearing 50, 69
 - Tribunal (TGI) 47, 48, 50, 52, 53, 55, 56, 67
 - and Unified Patent Court 113
 - United Kingdom compared 50, 53, 54
 - FRAND (fair and reasonable) cases 94, 118
- Germany
 - appeals against LG infringement decisions 33–4
 - applicable law and competent courts 31–4
 - BHG (German Federal Court of Justice) 33, 34
 - bifurcation of proceedings in 5, 34, 37, 67
 - BPatG (German Federal Patent Court) 33, 34, 35, 37, 38, 39, 40, 44, 45, 67, 70, 72, 75
 - Code for Civil Procedures 31
 - Code for Court Costs 32
 - costs awards 40–42, 76, 77
 - data sources 1
 - disclosure and evidence gathering 35
 - DPMA (Patent and Trade Mark Office) 34–5, 44
 - empirical research on patent litigation 42–5
 - Federal Constitution 5
 - forum shopping 67, 72
 - France compared 40, 50, 51, 53, 54
 - infringement in 33, 33–4, 87
 - injunctions 73–4
 - interim injunctions and post-trial enforcement 37–9
 - judicial expertise 66
 - judicial outcomes 72–3
 - Law on International Patent Treaties 31
 - length of proceedings 40, 69
 - LG courts 33, 34, 35, 36, 37, 39, 42, 44, 68, 71–2, 73

- machinery and engineering industries 73
- majority of patent litigation occurring in 123
- the Netherlands compared 32, 40
- OLG (higher regional courts) 33, 34, 42
- paper-based system (hearing) 50, 69
- Patent Code 31
- patent litigation venues (Dusseldorf, Mannheim and Munich) 4, 33, 34, 35–6, 42, 43, 67, 72
- patent-friendly jurisdiction, viewed as 73
- procedural structure 34–9
- relationship between EPO opposition decisions and enforcement in Germany 39
- Remuneration Code for Lawyers' Costs 32
- settlements 74
- substantiation, legal matters requiring 36
- trial hearing 35–7, 50, 69
- and Unified Patent Court 72, 82, 91, 113
- United Kingdom compared 32, 36, 40, 41
- UPC, domination of 72
- UPC divisions in (Munich) 82
- Utility Model Code 32
- utility models 32
- validity issues 39
- Graham, S. 65
- Greece 93
- hearing
 - France 50, 69
 - Germany 35–7, 50, 69
 - the Netherlands 50, 60–61, 69
 - paper-based systems 50, 69
 - United Kingdom 22, 36, 69
- Helmets, C. 28, 30, 31, 72
- High Court of Justice of England and Wales, Chancery Division 19
- Hoorneman, W. 65
- Hungary 93
- Iceland 112
- Information and Communications Technology (ICT) sector 158, 163, 166, 167
- empirical research on patent litigation 127, 128, 129, 130, 131–2, 133, 137, 140, 141, 142, 143, 144, 145, 150, 151, 153, 155
- infringement 13–14
 - see also* declaration of non-infringement
 - defences 87, 88
 - direct 86, 87
 - in France 73
 - in Germany 33, 33–4, 87
 - 'invalid but infringed' scenario 67
 - 'making' (directly infringing act) 86
 - in the Netherlands 73
 - restraining 105
 - and Unified Patent Court 84, 85, 87, 92, 98–9, 105
 - in United Kingdom 28, 30, 72, 87
- injunctions
 - see also* interim injunctions
 - comparative analysis 73–4
 - concerns for users of UPC 140–41
 - cross-border 5, 61–2, 74
 - ex parte* 51, 61, 62
 - final 62
- Intellectual Property Enterprise Court (IPEC), UK 18–26, 67, 165
 - see also* Patents Court, UK (PHC)
 - interim injunctions 22–3, 74
 - Patents County Court (PCC) as precursor to 20, 25, 28

- Intergovernmental Agreement on a Unified Patent Court *see* Agreement on a Unified Patent Court (2013)
- interim injunctions
 France 50–52
 Germany 37–9
 the Netherlands 61–3
 United Kingdom 22–4, 74
- International Patent Classification (IPC), WIPO 91
- interview questions, developing 123–6
- Ireland 92
- Italy 6, 92
- judicial expertise, comparative analysis 66
- Kitchen, Sir David 163
- Kühnen, T. 43
- Lefouili, Y. 30, 31, 72
- length of proceedings
 France 53, 69
 Germany 40, 69
 the Netherlands 63–4
 overall proceedings 69–70
 United Kingdom 26
- LG (German courts) 33, 34, 35, 36, 37, 39, 42, 43, 44, 68, 73
 case volumes 71–2
- litigation *see* patent litigation, European
- ‘loser pays’ system *see* fee shifting
- machinery and engineering industries, Germany 73
- McDonagh, L. 30, 31, 72
- Mejer, E. 75–6
- Moss, G. 28
- most valuable patents (MVPs) 148, 149, 153, 162
- MVPs *see* most valuable patents (MVPs)
- national patents, and utility models 118–19
- the Netherlands
 accelerated proceedings 63–4
 applicable law and competent courts 57–8
 Civil Chamber 58
 Code of Civil Procedure (Rv) 57–8
 costs awards 64–5, 77
 data sources 1
 disclosure and evidence gathering 59–60, 66
 empirical research on patent litigation 65–6
 forum shopping 67
 France compared 59–60
 Germany compared 32
 infringement in 74
 interim injunctions and post-trial enforcement 61–3, 74
 judicial expertise 66
 length of proceedings 63–4
 paper-based system (hearing) 50, 69
 Patent Act 1995 57
 patent litigation venue (The Hague) 4
 patent-friendly jurisdiction, viewed as 73
 procedural structure 59–63
 relationship between EPO
 opposition decisions and enforcement 63
 speed and cost-effectiveness of proceedings 5
 Supreme Court 58
 trial hearing 50, 60–61, 69
 and Unified Patent Court 92
 United Kingdom compared 59
- non-infringement, declaration of *see* declaration of non-infringement

- non-practicing entities (NPEs) *see*
 ‘patent troll’ litigation
 (non-practicing entities)
- Nordic–Baltic UPC regional
 division 92
- OLG (higher regional courts,
 Germany) 33, 34, 42
- opposition proceedings (EPO) 4, 15
 delays 25
 and Dutch enforcement 63
 and French enforcement 52
 and German enforcement 39
 and UK enforcement 24–6
- opt-out from jurisdiction of UPC
 103–5, 147–50
 adapting to new system 147–9
 fee 131–2
 how opted-out patent perceived by
 competitors 149
 unfamiliarity 147–9
 whether EU and non-EU business
 view new system differently
 149–50
- oral hearing 40, 41, 50, 98, 100–101,
 101
see also hearing
 long 36, 69, 123
 short 41, 69, 100, 123
 UK-style 136, 145, 161
- parallel litigation 75–6
 prevention 83–4
- patent litigation, European
see also European Patents (EPs)
 chemical and pharmaceutical
 industries, litigant companies
 in 29
 costs in Europe 134–6
 current state, assessing 1, 3
 decision making inconsistency
 15–16, 17
 empirical research *see* empirical
 research on patent litigation
 multiple arenas 14
 national litigation 3–4, 15
 parallel litigation 75–6, 83–4
 patent troll litigation 7, 8, 142–4
 in Patents Court, UK *see* Patents
 Court, UK (PHC)
 studies 1–2
 validity issues 14, 33
 venues *see* venues, litigation
 ‘patent troll’ litigation
 (non-practicing entities) 7, 8,
 142–4, 163–4
 and United Kingdom 29–30
 Patents County Court (PCC), as
 precursor to IPEC 20, 25, 28
see also Intellectual Property
 Enterprise Court (IPEC)
 Patents Court, UK (PHC) 18–31
see also Intellectual Property
 Enterprise Court (IPEC)
 disclosure and evidence gathering
 66
 empirical research 28–9, 30
 enforcement post-judgment on the
 merits 23–4
 as expensive litigation venue 26–7
 forum shopping 67
 interim injunctions 22–3, 74
 revocations 72
 SME involvement 30–31
 Pharma sector 128, 137, 138, 141,
 144, 150–51, 153, 154
see also chemical and
 pharmaceutical industries,
 litigant companies in
 PHC *see* Patents Court, UK (PHC)
 Poland 6, 82, 112
 Portugal 83
 post-trial enforcement
 France 50–52
 Germany 37–9
 the Netherlands 61–3
 United Kingdom 22–4
 preliminary relief *see* interim
 injunctions

- Preparatory Committee, UPC 84, 85, 160
- procedural structure, assessing
 France 47–52
 Germany 34–9
 the Netherlands 59–63
 United Kingdom 20–26
- reforms, European patent 2, 79–121
 aims and crucial features,
 assessing 3
 background 6
 and Croatia 6
 EU patent reform package 79–82
 impact on legal community 155–7
 and Italy 6
 key issues for users of new system
 157
 major elements 17
 and Poland 6
 SMEs in new system 151–4
 and Spain 6
 underlying rationale for 7
 validity issues/challenges 80, 81,
 82, 87, 88, 89, 90, 91, 93, 94,
 99, 102, 114, 119
 which sector benefits the most
 from new system 150–51
- renewal fees, Unitary Patent 116–17,
 136–8, 166–8
- res judicata* doctrine 25
- revocations 72, 94, 130, 145–6, 164
 standalone actions 98
- Romania 93
- Rules of Procedure, UPC 94, 97–8,
 100, 101–2, 142
- saisie* procedures, France 5, 48, 49,
 52, 59, 66, 74
- Schliessler, P. 45
- settlements, comparative analysis
 74–5
- Signatory States (SS), UPC 82, 96,
 103, 105, 106, 107
- Slovak Republic 93
- Slovenia 83, 93
- small and medium-sized enterprises
 (SMEs)
 empirical research on patent
 litigation 126, 128
 in new system 151–4
 United Kingdom 20, 30–31
 at UPC 164–5
- Spain 6, 82, 112
- SPCs *see* Supplementary Protection
 Certificates (SPCs)
- standing and legal representation
 (UPC) 6, 90–91
- Strategic Advisory Board for
 Intellectual Property (SABIP),
 UK 28
- Supplementary Protection
 Certificates (SPCs) 20, 102–3
 opt-out of from jurisdiction of
 UPC 103–5
 reforms, analysis 85, 88
- Supreme Court (SC), UK (formerly
 House of Lords) 19–20, 28
- Switzerland 112
- Technical Board of Appeals, EPO 15
- TGI (French Tribunal) 47, 48, 50, 52,
 53, 55, 56, 67
- trade mark law, compared to patent
 law 10–11
- Treaty of Rome (1957) 10
- trial hearing *see* hearing
- Turkey 112
- Unified Patent Court (UPC)
 Agreement *see* Agreement on a
 Unified Patent Court (2013)
 aim of establishing 2–3
 appeals to Court of Appeal
 (Luxembourg) 102, 106, 110
 bifurcation and injunctions
 140–41
 and Brussels I Regulation 83–4
 cases of ‘exceptional importance’
 106–7

- central divisions 82–3, 91–3, 109–10, 124, 127, 155, 165–6
- CJEU, relationship with 6, 88–90
- committees 92
- competence assessment 6, 93–8
- costs *see* costs assessments, UPC/UP
- court fee levels 132–3
- Court of First Instance, comprised of 82, 88, 92, 102, 110
- and declarations of non-infringement 94, 95, 97
- divisions *see* central divisions above; local divisions below; regional divisions below
- filing an action/bifurcation of proceedings 6, 98–100
- forum shopping 7, 8, 107, 142–4 and France 113 and Germany 72, 82, 91, 113 governing law for unitary patents and patentees from states not part of UPC Agreement 118–19 and infringement 84, 85, 87, 92, 98–9, 105
- institutional architecture 6
- international jurisdiction 83–4
- judicial composition and quality 139–41, 158–9
- judiciary 106–9, 139–41
- jurisdiction and transition period 110
- key aspects 119–21
- key challenges to be addressed by 78
- key concerns for users 139–47
- language of proceedings 109–10
- legal sources 81–2
- length of proceedings 69, 70
- litigation costs 159–62
- local divisions 92, 96–7, 98, 99, 108
- mediation and arbitration facilities, Portugal and Slovenia 83
- and the Netherlands 92
- oral procedure 100–101
- overview 82–3
- patent troll litigation 142–4, 163–4
- powers 105
- Preparatory Committee 83, 85, 160
- procedural stages of an action 100–102
- regional divisions 92–3, 96–7, 98, 99
- Registry 92, 97, 103
- return to national patent systems 146–7
- revocations 145–6, 164
- Rules of Procedure 94, 97–8, 100, 101–2, 142
- Signatory States (SS) 82, 96, 103, 105, 106, 107
- SMEs at 164–5
- specialist technology divisions, London and Munich 82, 91, 98, 127
- standing and legal representation before 6, 90–91
- Statute 92
- structure 82–3
 - across local, regional and central divisions 91–3, 96–7, 99
- substantive patent law 84–8, 124
 - opt-out 104
- training of judges 108–9
- types of disputes heard 81
- and United Kingdom 82, 86, 91, 113
- whether speedy UPC revocations could help clear EPO oppositions backlog 145–6, 164

- whether will help to lower patent litigation costs in Europe 134–6
- Unitary Patent (UP) 6–7, 80, 111–19
 - aim of establishing 2–3
 - costs *see* costs assessments, UPC/UP
 - Enhanced Cooperation procedure 112
 - vs European Patent 139
 - legal profession observations 168
 - legal sources 81–2
 - and member states 168
 - prospects for 2017 169–70
 - and reforms 2
 - renewal fees 116–17, 136–8, 166–8
 - territorial scope, addressing 112–14
 - translations 80, 114–16
- United Kingdom 18–31
 - ‘anti-patent’ jurisdiction, viewed as 72
 - applicable law and competent courts 18–20
 - cases of importance
 - Unilin Beheer v Berry Floor* 25
 - Virgin v Zodiac* 25–6
 - chemical and pharmaceutical industries, litigant companies in 29, 73
 - Civil Procedure Rules (CPR) 19
 - costs awards 26–8, 76, 77
 - data sources 1
 - disclosure and evidence gathering 5, 21, 66
 - empirical research on patent litigation in 28–31
 - forum shopping 67
 - France compared 50, 53, 54
 - Germany compared 32, 36, 40, 41
 - infringement in 28, 30, 72, 87
 - Intellectual Property Enterprise Court (IPEC) *see* Intellectual Property Enterprise Court (IPEC), UK
 - interim injunctions and post-trial enforcement 22–4, 74
 - judicial expertise 66
 - judicial outcomes 72
 - June 2016 referendum on membership 9
 - length of proceedings 26
 - litigation procedures of courts of
 - England and Wales 19
 - the Netherlands compared 59–60
 - oral hearing 101
 - patent litigation venue (London) 4
 - ‘patent troll’ litigation (non-practicing entities), lack of 29–30
 - Patents Act 1977, UK 18
 - Patents Court (PHC) *see* Patents Court, UK (PHC)
 - procedural structure 20–26
 - relationship between EPO
 - opposition decisions and enforcement in UK 24–6
 - settlements 74–5
 - SMEs 29, 30
 - Supreme Court (SC), UK (formerly House of Lords) 19–20, 28
 - trial hearing 22, 36, 69
 - and Unified Patent Court 82, 86, 91, 113
 - United States compared 27, 29
- United States, United Kingdom compared 27, 29
- UP *see* Unitary Patent (UP)
- UPC *see* Unified Patent Court (UPC)
- UPC Agreement *see* Agreement on a Unified Patent Court (2013)
- utility models, and national patents 118–19
- validity issues 14, 33
 - Germany 39

- validity issues/challenges 4, 5, 12, 14–15, 17, 124, 134
 - comparative analysis 67, 68, 69, 70, 71, 73, 74
 - France 46, 47, 48, 51, 52, 55, 56, 57
 - Germany 32, 33, 34, 35, 37, 38, 39, 40, 42, 43, 44, 45, 68
 - the Netherlands 58, 59, 62, 63
 - reforms, analysis 80, 81, 82, 87, 88, 89, 90, 91, 93, 94, 99, 102, 114, 119
 - standalone invalidity challenges 54, 57, 71
 - United Kingdom 21, 22, 24, 25, 28, 29, 30
- value-based fees 124, 133–4, 159–60
 - comparative analysis 40, 41, 53, 76, 77
- van Pottelsberghe, B. 75–6
- Van Zeebroeck, N. 65
- venues, litigation
 - see also* forum shopping
 - France 4, 73
 - Germany 4, 33, 34, 35–6, 42, 43, 67, 72
 - the Netherlands 4
 - United Kingdom 4
- Véron, Pierre 54, 55
- World Intellectual Property Organisation (WIPO), International Patent Classification 91