



## Portugal ratifies Unified Patent Court

Portugal has ratified the Agreement on a Unified Patent Court, which will settle disputes concerning European patents and European patents with unitary effect.

Lisbon will host a patent arbitration and mediation center and awaits a decision on the establishment of a local division in national territory.

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Portugal has ratified the Agreement on a Unified Patent Court (**Agreement**) signed in Brussels on 19 February 2013, by Parliament Resolution no. 108/2015.

The Unified Patent Court (**UPC**) shall have exclusive competence for the settlement of disputes relating to European patents and European patents with unitary effect. To this effect, the UPC is competent to:

- Actions for actual or threatened infringements of patents;
- Actions for declarations of non-infringement of patents;
- Actions for revocation of patents; and
- Granting injunctions against an alleged infringer to prevent, forbid or cease alleged infringements.

The UPC comprises (i) a court of first instance which has a central division with seat in Paris, and sections in London and Munich, as well as regional and local divisions to be established and (ii) a Court of Appeals with seat in Luxembourg. UPC judges are both legally qualified judges and technically qualified judges, the latter having a university degree and proven expertise in certain fields of technology.

Parties may be represented by lawyers or by European Patent Attorneys. The following entities are entitled to bring actions before the UPC:

- (a) The patent proprietor;
- (b) The holder of an exclusive license in respect of a patent, under the licensing agreement;
- (c) The holder of a non-exclusive license, under the licensing agreement; and
- (d) Any other natural or legal person, or any body entitled to bring actions, who is concerned by a patent or is affected by a decision of the European Patent Office.

The patent proprietor is always entitled to intervene in actions brought by a license holder.

Proceedings in the UPC will be the language of the local or regional division in which the action is brought or the language in which the patent was granted.

With the entry into force of the Agreement, Lisbon and Ljubljana will receive Patent Arbitration and Mediation Centers. Portugal is still awaiting the decision on the possible establishment of a local division of the Court of First Instance in the country.