



Bristows

& the UPC

Patent Litigation has been at the heart of Bristows' business for nearly two centuries. We are experts in co-ordinating the global defence and enforcement of patents for many of the world's most successful businesses in all sectors including telecoms, life sciences and consumer products.

These projects have given Bristows a unique insight into how to frame and implement a global strategy at a local level in order to achieve the most favourable outcomes for our clients.

With the UPC now open for business, Bristows has been an integral player from the start. With a team that includes European qualified lawyers, we believe that our unrivalled experience in co-ordinating litigation and pre-litigation strategy puts us in an excellent position to help our clients in achieving their goals.

Bristows

Why Bristows?



The UPC is new and we're ready for it

As an entirely new court system drawing on both common law and civil law traditions, the UPC presents a level playing field for all parties and their representatives. No one has any experience in litigating cases before the UPC and what will set advisers apart in the field is the ability to hit the ground running. We are fully equipped and prepared with the necessary expertise, resources and insight to do just that.

Bristows helped develop the rules of procedure and has been the leading commentator on the evolution of the UPC over the past 10+ years. There's little doubt that in the early years, the UPC will be a lawyers' court where knowledge of jurisdictional strategy and procedure will give clients a decisive advantage and help shape the UPC for the future.

We bring unrivalled experience of worldwide litigation, with superb technical ability and commercial insight. We can also draw on deep technical expertise across key sectors. No-one else is currently better equipped to support you in approaching or participating in the UPC.



We are independent

Being fully independent can make all the difference when advising clients on strategies and fora in the UPC. Because we're not tied to any particular division, you can be sure of completely impartial advice, firmly focused on your best interests.

From the start – especially during the transitional period – the system will enable parties to forum shop, both within the UPC and between the UPC and national courts. Rather like the US system, it's likely that in time, certain courts within the UPC system will become known for particular types of work. But for now all parties and their representatives must be ready to work across all UPC jurisdictions, including some local and regional divisions which are not especially well known for patent litigation.

For this terrain, a truly independent and objective guide can be invaluable.



Our common law expertise can put you ahead

It's likely Ireland will look to establish a local division in the UPC in the next few years. Like the UK, Ireland has a common law system, and parties who wish to follow common law litigation procedures — such as disclosure, experiments or testimony from experts — may look to the Irish Local Division.

Whilst certain steps, such as a referendum, are needed before Ireland can participate in the UPC, our discussions with authorities in Dublin suggest that Ireland is aware of the potential opportunities that the UPC may bring to the country and is keen to exploit them. This would further increase the advantages to be gained from common law expertise.

Unlike continental firms established in civil law jurisdictions, we're well placed to give you an advantage in exploiting the common law aspects of the system before any local or central division in the UPC.



We have everything covered, inside and out

No one can match our experience in coordinating pan-European and global patent disputes. With our expertise, independence, network and local knowledge, we're best equipped to look after your litigation interests both within and outside the UPC. We know what it takes to win in the international context.

We can work directly in the UPC, drawing on detailed knowledge of European cases – if it has been tried before in Europe, we most likely have seen it. Over decades we've also built strong working relationships with the best firms in all jurisdictions. Having no ties to a local division we can take an objective approach, with the freedom to partner with a local firm of your choice.

We can supply local lawyers in any jurisdiction with the best arguments, experts, key documents, teach-in primers and other tools they need to win the case. For example, if a UPC case were before a German Local Division with proceedings conducted in German, we'd partner with a leading German firm to consider the civil and common law angles.

Most UPC divisions are however likely to adopt English and, as native speakers, we are extremely well placed to create and hone briefs as well as undertake advocacy. The UK will also remain a key jurisdiction in Europe and we can advise on litigation in the UK, the UPC or both.



We're set to be in the UPC from the start

We intend to work in the UPC from the outset. We continue to invest in our infrastructure and resources so that we stand out for seamless, world-class service and the outcomes we achieve for our clients. We're preparing to be involved in the UPC in three main ways:

1. working directly in the UPC as attorneys of record in the UPC for clients;
2. working with advisers who are attorneys of record in the UPC, and
3. coordinating pan-European litigation for clients (UPC and national litigation, including but not limited to non-UPC countries such as the UK, Spain and Poland).

We have a growing number of foreign qualified lawyers and European Patent Attorneys ready to be representatives of record in UPC cases.



The right team for you

We have the largest group of patent litigators under a single roof in Europe, comprising 11 partners and more than 30 associates. Most of our team also have a technical background (the UK being the only jurisdiction where that applies) and specialised sector expertise. From this group we'll configure a team with the precise skills, knowledge and experience you need.

The UPC brings tight timetables, new rules and potential multiple jurisdictional and procedural challenges as well as the prospect of continuing parallel national litigation. We'll put together a team with the capability and flexibility to navigate this environment for you, guiding and supporting you in the UPC at every step.



Leveraging technology to provide innovative service

We've developed a state-of-the-art and powerful knowledge management tool, **Irides**, built with information compiled and updated by Bristows lawyers and trusted legal partners from all the key jurisdictions.

A unique source of cross-border information, this tool is designed to support your strategic litigation planning and provides 24/7 user-friendly, intuitive access to answers that will save time and money. We're building a new UPC section within *Irides* given the strategic importance of the UPC to the co-ordination of litigation.

irides

Introducing Irides

Irides is a database of cross-border patent litigation know-how that provides in-depth analysis of complex procedural and substantive patent law issues.

It is the only place to find up-to-date information and easy to understand explanations of patent law relevant to your sector in a single resource.

With a broad geographical coverage that is still expanding, it is an essential information tool to provide you with practical guidance and strategic solutions to better manage your patent portfolio and/or litigation cases.

Why **Irides** for the UPC?

- Not only does **Irides** contain information on rules, procedure and substantive law in the national courts and patent offices, it also has information relating to rules and procedure in the UPC.
- It will capture UPC case law, both substantive and procedural, as it develops.
- It allows you to develop UPC arguments in light of substantive patent law across Europe on particular issues, especially those on which national law is expected to have a bearing in the UPC.

Reach out to your main contact at Bristows to find out more.



Useful links

Find all the latest on the Unified Patent Court in one place.

<https://www.bristowsupc.com/>

Visit our main Bristows website: a hub for life sciences, technology or brands.

<https://www.bristows.com/>