



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.

Bristows has been an integral player in the formation of the UPC. With a team that includes European qualified lawyers and patent attorneys, our unrivalled experience in co-ordinating litigation and pre-litigation strategy puts us in an excellent position to help our clients to achieve their goals.

Bristows

Why Bristows?



We are uniquely placed to navigate UPC proceedings

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 the UPC is a lawyers' court where knowledge of jurisdictional strategy and procedure will give clients a decisive advantage and help shape the UPC for the future.

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. Bristows are fully equipped and prepared with the necessary expertise, talent and resources to assist clients with novel, winning strategies.

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, which makes us better equipped to support you in the UPC than anyone else.



We are independent

Being fully independent can make all the difference when advising clients on strategies 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.

The UPC system enables parties to forum shop, both between divisions of the UPC and, during the transitional period, 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.



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 – if it has been tried before in Europe, we most likely have seen it.

We can work directly in the UPC, drawing on detailed knowledge of European cases. UPC judges have indicated their preference for proceedings to be conducted in English, which is now the most used language in the UPC. 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 are also happy to partner with local lawyers in the country of UPC proceedings, having built strong working relationships with the best firms in all jurisdictions over the past decades. In doing so we can also supply the best arguments, experts, key documents, teach-in primers and other tools needed to win the case. For example, if a UPC case were before a division in Italy with proceedings conducted in Italian, we'd partner with a leading Italian firm to consider the civil and common law angles.



Our common law expertise can put you ahead

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 UPC system as reflected in the rules of procedure, including disclosure, experiments and testimony from experts .

It's also likely that Ireland will look to establish a local division in the UPC in the future. Like the UK, Ireland has a common law system, and parties who wish to follow common law litigation procedures 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 our common law expertise.



In the UPC from the outset

We have been working 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 are 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 able to act as 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 12 Partners and more than 25 Associates, as well as our UPC Director in our Dublin office. Most of our team also have a technical background 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, evolving case law and jurisdictional and procedural challenges as well as the prospect of continuing parallel national litigation. We are able to 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, including the UPC, 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 also provide the latest UPC news directly to your inbox via our Irides Weekly Updates.



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 captures 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 specific 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 and brands.

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