

## **Handling of IPR Matters to Be Centralized to Market Court in Finland**

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The President of Finland, Mr. Sauli Niinistö, ratified on 31 January 2013 the enactment of new legislation concerning the centralization of the handling of intellectual property (IP) matters to the Market Court in Finland. This presidential approval marks the final milestone in confirming the implementation of the reform approved by the Finnish Parliament in December 2012, as a result of which all IP related dispute and appeal matters, except for criminal suits, presently handled by the Helsinki and other District Courts in the first instance and by the Board of Appeal of the National Board of Patents and Registration in Finland (NBPR) will be heard in the Market Court as of 1 September 2013. The Market Court is an existing special court currently dealing with cases related to unfair business practices, competition, and public procurement. This reform will make Finland the first Nordic country to take a step forward in centralizing IP matters to a specialized court.

Under the new centralized regime, the Market Court will be the Court of First Instance to hear all civil matters (including precautionary measure matters) concerning patents, utility models, trademarks, trade names, designs, integrated circuits, plant variety rights, as well as copyright and related rights. The Market Court will also have jurisdiction over appeals on administrative decisions of the NBPR concerning industrial property rights, such as appeals relating to IP registrations and oppositions. In addition, appeals on domain name decisions by the Finnish Communications Regulatory Authority (Ficora) will fall under the jurisdiction of the Market Court.

In order to ensure technical and case specific expertise in the Court, the Market Court will be competent to handle different matters in different compositions. Depending on the matter, the composition of the Market Court in IP matters may include, in addition to one or more legally trained judges, for example, one or more Market Court Engineers with technical expertise as well as one or more other specialists.

The Market Court will take on only new civil IP cases which are initiated on or after 1 September 2013. As to administrative IP registration matters, the transition period is gradual: Trademark registration matters pending at the Board of Appeal of the NBPR on or after 1 January 2013 and other IP registration matters pending at the Board of Appeal of the NBPR on or after 1 May 2013 are transferred to the Market Court.

As a part of the reform, decisions of the Market Court in civil IP matters are appealed directly to the Supreme Court. With regard to administrative IP registration matters, decisions are appealed to the Supreme Administrative Court. Both routes of appeal require a leave to appeal from the respective court.

Also in Sweden, the Ministry of Justice is preparing a government bill with proposals for reforming the current system of IP litigation. The government bill shall be published during early 2013. It is currently unclear what kind of reforms will be proposed for national IP litigation. However, it has already been stated that, for the purpose of implementing the Agreement on the Unified Patent Court, Sweden will propose a regional patent court for Sweden, Finland, Denmark, Estonia, Latvia and Lithuania and with English as its procedural language.

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