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The Dusseldorf World Patent Court?

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The Ministry of Justice of the State of North Rhine-Westphalia recently issued a press release citing the minister as follows:

"Because of their acknowledged high quality in specialist circles, the Dusseldorf patent courts have acquired the reputation of a 'world patent court'. To ensure that this remains the case, we are taking appropriate steps to install a third chamber alongside the existing two patent courtrooms."

But how accurate is it to call the Dusseldorf District Court a world patent court? It is true that it hears the highest number of patent infringement cases in Europe. With an average of around 600 patent claims a year, the court is the clear leader of the German courts league table and hears almost as many cases as all the other major German patent courts put together. Furthermore, German industry is based on a number of patents and their enforceability, which explains a major part of the rich patent litigation history. But how does Dusseldorf compare to courts in other jurisdictions?

The Dusseldorf District Court currently has two patent courtrooms, with a total of eight judges. A third patent courtroom is to be set up to ensure that high-quality decisions will continue to be handed down to parties in future, and that such decisions will be arrived at quickly. As a result, the Dusseldorf District Court will appoint at least three new judges. In addition, the expansion of the Dusseldorf High Court has already been approved. Accordingly, there will be between 15 and 20 judges in Dusseldorf solely handling patent litigation cases.

Perhaps the most convincing statistic in this context is the number of years of expertise accumulated by the Dusseldorf panels. At present, the district court and the high court have more than 150 years of expertise between them. More than 100 extra years are added by the eight judges at the Patent Senate of the Supreme Court. Thus, it is possible that the ministry was correct in its statement.

The measures taken by the government have been necessitated by the considerable workload of the panels at present. Independent from the claim of the district court being a world patent court, innovators looking to protect their intellectual property will welcome the expansion of the Dusseldorf courts.

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