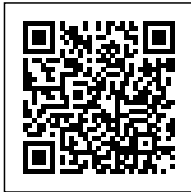


IP MOVES FORWARD - PBBR ADVOGADOS

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Portuguese clients with intellectual property (IP) disputes are all too familiar with the country's protracted litigation process, says César Bessa Monteiro, Head of IP at pbbr Advogados.

Los clientes portugueses que sufren disputas y procesos litigiosos en temas de Propiedad Intelectual ya están acostumbrados a los ineficientes procesos existentes, afirma César Bessa Monteiro de pbbr. Fue ésta la causa principal que provocó la reforma en el 2008, con la reorganización del sistema judicial y la Corte especializada.

Historically, IP cases were heard in the commercial courts, already filled to overcapacity by years of backdated disputes. It was this that prompted a new law in 2008 to reorganise the judicial system and provide a bespoke IP Court.

"Despite the 2008 decision, it was not until the Troika's MoU with Portugal in 2011 when a deadline of installing the IP Court was given," Bessa Monteiro adds.

The IP Court finally became operational on March 31st, 2012, and it hears the whole spectrum of IP matters ranging from copyright infringements to patent litigation.

While Portugal has enjoyed a dedicated IP Court for a little over six months now, says Bessa Monteiro, lawyers expecting an increase in activity have been disappointed.

“The problem is that while the IP Court is a welcome addition, there is currently just the one Court with one judge hearing cases,” he explains. “There are insufficient resources for it to be genuinely effective.”

Bessa Monteiro, in his capacity as Chair of the Portuguese IP Consultants Association, has been engaged in discussions with the Government and believes that a few more IP judges and a second court in Oporto could be a possibility.

“A larger IP Court would be very good news for companies because cases will be heard in the right manner by a specialist court with a judge who is an expert in IP,” he continues. “At present, it is too early to really know how successful this new Court will be.”