

Litigation in Germany

Historically, the judicial system that has evolved in Germany is efficient, fast and relatively cost-effective, especially in the field of enforcement of intellectual property rights.

- Specialized courts presided over by permanent judges each hear several hundred cases a year. Accordingly, the judges have extensive experience in the different areas of protection of intellectual property rights. Even at first instance the parties receive sound decisions that are often recognized internationally.
- According to the procedural rules, the invalidity of an IPR may only be asserted to a limited degree in infringement cases. This enables a judgment to be reached within six to fifteen months after filing of the suit. Provisional enforcement is possible on the basis of first-instance decisions
- In appropriate cases, legal protection can be achieved within a few hours on an ex parte basis.
- Recent court decisions allow short-term measures for safeguarding evidence even in the preliminary stages of an infringement suit.
- A statutory schedule of fees makes it easier to calculate cost risks. The losing party must pay the costs of the suit in an amount set by law, including the attorney's fees of the prevailing party.

For these reasons innovative companies from all over the world are choosing Germany as the venue for vigorous assertion of their proprietary rights. In many cases, the judgments handed down here are helpful to both parties, serving as a reliable yardstick that enables them to negotiate a global settlement of their dispute.