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THE NEW ITALIAN BUSINESS ENTERPRISE COURTS TO HANDLE LITIGATION ON PATENT AND TRADEMARK MATTERS

The recent Legislative Decree 1/2012 on deregulation has provided the transformation of the existing 12 Courts specialized in industrial property matters into 21 Courts specialized in business matters.

The past experience of the IP Courts had already brought about improved efficiency in the management of IP lawsuits, even though over the years the workload did not spread homogenously amongst the various courts. In fact, some Courts like Milan, Rome and Turin are handling thousands of lawsuits while others rarely receive any IP case at all.

The recent amendment of the law, therefore, will provide an increased number of Courts thus allowing a more balanced workload in IP cases as well as a specialized jurisdiction on matters relating to company law.

The new Courts will therefore hear cases on:

- 1) matters pertaining to Industrial Property;
- 2) antitrust matters;
- 3) matters pertaining contracts of EU relevance;
- 4) matters pertaining disputes between business corporations, co-operatives, groups.

Matters referring instead to unfair competition per se (e.g. labor law), misleading advertising and disputes on the subject of partnerships do not fall within the competence of the new Courts.

In order to maintain the specialization gained over the years, the Courts of Milan and Rome have already created two sub-sections, one for IP matters and the other for company matters, which should ensure a high quality of the judgements. It may possible that this same method will be applied also by other Italian Courts.