



Globe Law
and Business

International Patent Litigation

Developing an Effective Strategy

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1. **Lawyers**

Patent litigation in Greece is generally handled by lawyers/attorneys who specialise in the field of industrial and intellectual property. More specifically, they are experts with regard to patent litigation.

There is no distinction in Greece between barristers and solicitors.

Industrial property issues belong to the exclusive competence of a special Court Department, which has existed and been functioning since May 2006 in the Courts of Athens and Thessaloniki. Therefore, patent litigation can only occur before these two jurisdictions. Lawyers/attorneys handling patent litigation in a jurisdiction different from the one to which they are appointed require a local lawyer to provide them with the necessary authority in order that they may appear before the competent court.

2. **The court system**

The civil court system in Greece comprises the Court of First Instance, the Court of Appeals and the Supreme Court of Cassation (*Areios Pagos*). A regular lawsuit is filed with the Court of First Instance, the final decision of which can be appealed before the Court of Appeals within an exclusive deadline of 30 days from the date on which the service of the final decision to the adverse party has taken place. The decision issued by the Court of Appeals can then be disputed before the Court of Cassation within 30 days starting from the service of the Court of Appeals decision to the adverse party. This appeal, however, can take place only for reasons relating to the proper interpretation and application of the relevant legal provisions by the ruling court. In contrast, both the Court of First Instance and the Court of Appeals deal with the dispensation of substantive justice.

As stated above, industrial property issues belong to the exclusive competence of a special court department functioning in the Courts of Athens and Thessaloniki. This department consists of three judges, specialising in, or having requisite experience with regard to, patent litigation as well as commercial law in general. These judges lack technical backgrounds, and for this reason they will usually make use of expert reports on technical issues arising during patent litigation. It is at the discretion of the ruling court to take note of decisions issued in other jurisdictions. However, it is evidently more likely that the court will take into account a decision that has been issued on an ad-hoc basis, or at least on similar patent-related issues.

Under Law 1733/1987 "Technology transfer, inventions, and technological

innovation", currently in force, the owner of a patent can proceed with various actions before civil justice. Moreover, depending on the facts of each particular case, possible grounds for civil actions lie under the Laws on Unfair Competition, along with the Civil Code provisions. More specifically:

- *Nullification action:* According to article 15 of Law 1733/1987, the patent will be declared null by the court if:
 - the owner of the patent is not the inventor or his assignee or beneficiary according to article 6, paras 4, 5 and 6 of Law 1733/1987;
 - the invention is not patentable in accordance with article 5 of Law 1733/1987;
 - the description attached to the patent is insufficient for the invention to be carried out by a person skilled in the art; or
 - the subject matter of the granted patent extends beyond the content of the protection, as requested in the application.

If the nullification is brought before the court only against part of the invention, the patent is restricted accordingly.

- *Action for cessation of the infringement and prohibition against future infringement:* According to article 17 of Law 1733/1987, in the event of existing or threatened infringement of the patent, its owner has the right to demand the cessation of the infringement and a prohibition against any future infringement.
- *Action for damages:* According to article 17 of Law 1733/1987, in the event of intentional infringement of a patent, its owner is entitled to demand restitution of the damage, or return of the benefits derived from the unfair exploitation of the invention, or the payment of an amount equal to the value of a licence for such exploitation. The same rights are granted to the beneficiary of an exclusive licence, to any party with a right over the invention, and to any party who has filed a patent application. In the latter case, the court may postpone the trial procedure of the case until the relevant patent has been granted. It should be noted that if the invention relates to a process for the manufacture of a product, each product of the same nature is presumed to have been manufactured according to the protected process. The above-mentioned rights will be prescribed after five years have elapsed from the date on which the owner of the patent became aware either of the act of infringement, or of the person liable to give compensation and of the damage caused by the infringement, and certainly after 20 years have elapsed since the infringement took place. If the defendant is found to have infringed the relevant rights, the court may order the destruction of the products manufactured in violation of Law 1733/1987. Alternatively, the court may order that the products or a part thereof be rendered to the plaintiff for his total or partial compensation, at the request of the plaintiff.
- *Claim of ownership:* According to article 6 para 9 of Law 1733/1987, the beneficiary of the invention may, if a third party has filed without consent a patent application relating to his invention or to essential constituents thereof, apply for legal recognition of his rights resulting from the patent application or, if the patent has already been granted, his rights resulting

from the patent. This action must be brought before the court within a period of two years from the date of publication of the summary of the patent in the Industrial Property Bulletin. This term does not apply if the patentee is aware of the right of the claimant at the time of grant or assignment of the patent. A summary of the irrevocable decision stating the acceptance of this action will be recorded in the Patents Register. The licences and all other rights which have been granted on the patent will be considered null as from the date of this record. If the defeated litigant and third parties had exploited the invention in good faith, or had proceeded with the necessary preparations for the relevant exploitation, they may request from the recognised beneficiary a grant against compensation of a non-exclusive licence for a reasonable period of time.

- *Recognition action*: Based on article 70 of the Civil Code, the claimant can file an action before the competent court claiming recognition of the existence or non-existence of an exclusive right to exploit a specific patent or of the obligation of the defendant to compensate the owner of a patent, without specifying the exact amount of such compensation.
- *Injunction*: Under article 731 of the Civil Procedure Code, in the event of actual or threatened infringement of a patent, its owner has the right to file before the competent court an injunction application, demanding cessation of the infringement and a prohibition against any future infringement.

All the above-mentioned legal actions, with the exception of the injunction application, can only be discussed if the parties have attempted to reach an extrajudicial settlement according to article 214A of Civil Procedure Code.

Warning letters, before resorting to the filing of an action, are considered to be a good idea.

3. Procedure and timescale of proceedings

After filing the regular lawsuit, the parties must submit their pleadings and evidentiary material in support of their arguments 20 days before the hearing date. The hearing date is usually fixed eight to nine months from the day on which the lawsuit is filed.

The mutual reply to the litigant parties' arguments takes place with the filing of an addendum, 15 days before the hearing date. It should be emphasised that where pleadings or an addendum are not filed in due time, they will not be taken into consideration by the court. Finally, within eight working days after the hearing date, the parties file the evaluation of any testimonial statements. The issuance of the decision by the Court of First Instance usually takes place within four to six months after the hearing date.

A party with a legitimate interest can file an appeal within 30 days following service of the decision if the party is resident in Greece, and 60 days if the party is resident abroad. The pleadings, along with the evidentiary material of the parties, must be submitted to the court before commencement of the procedure, and the filing of the addendum must take place within three days of the hearing date, which

is usually fixed within four months of the filing of the appeal. The issuance of the decision usually takes place four to six months after the hearing date.

The hearing date for injunction applications is usually fixed within two months after its filing. The pleadings and evidence of the parties must be filed within two or three days of the hearing date, following a decision of the residing judge at the hearing of the case.

The parties can submit an application asking for the fixing of an earlier hearing date, and citing important reasons for such a request. The judge examines the application and decides whether to accept or reject it. In practice, an earlier hearing date is set when the disputed claim is based wholly or partly on unfair competition law. The hearing date is fixed six months after the filing of the regular lawsuit, so as to prevent the prescription of the claim based on unfair competition.

If opposition proceedings have been initiated before the European Patent Office (EPO) under article 99 of the European Patent Convention, the competent Greek court will usually postpone the trial of the case until the EPO decision on the opposition filed is issued and notified to the litigant parties. This postponement is appropriate, since the opposition applies to the European patent in all the contracting states in which the patent has effect and may even lead to the revocation of the European patent, in which case the European patent will be deemed not to have had, from the outset, the effects specified in articles 64 and 67 of the European Patent Convention. More specifically, within nine months of the publication of the mention of the grant of the European patent in the *European Patent Bulletin*, any person may give notice to the European Patent Office of opposition to that patent. The opponents are parties to the opposition proceedings, as well as the proprietor of the patent. If the Opposition Division of the EPO is of the opinion that at least one ground for opposition prejudices the maintenance of the European patent, it will revoke the patent. Otherwise, it will reject the opposition and the European patent will remain valid in all the contracting states in which it has effect.

4. Availability of pre-action evidence gathering/disclosure

As already stated, in the event of intentional infringement of a patent, its owner who suffered damage is entitled to demand restitution of the damage or return of the benefits derived from the unfair exploitation of the invention or the payment of an amount equal to the value of the licence for the unfair exploitation. The patent owner is often unable to estimate the extent of the damage suffered due to the unauthorised use of his/her patent and therefore will not be in a position to calculate accurately the amount to claim in terms of an action for damages. For this reason, the rights holder may file a lawsuit against the infringer claiming the disclosure of all relevant information. The requested information may concern the quantity of the products that were illegally circulated by the infringer, as well as the profits that the latter made due to the illegal actions. Both the nature and the extent of the information to be granted are specified in each particular case according to the needs of the rights holder, as well as the reasonable interests of the infringer, who cannot in any event be forced to reveal the commercial secrets of his business. The usual practice entails the appointment by the court of a financial expert, who will inspect the infringer's official books.

The rights holder may file a regular lawsuit before the competent Court of First

Instance. However, it is also possible to file an injunction application to the same end. In the latter case, the preconditions mentioned in Section 5 below must be fulfilled in order for the application to be accepted. The plaintiff must prove his legitimate interest in order to obtain sensitive information, as the courts are not usually willing to authorise a third party's access to the official books or business practices of an alleged patent infringer, especially in the context of a speedy injunction procedure that may not be followed by the filing of a regular lawsuit.

The injunction decision retains its validity until the issuance of a final decision by the court on the regular lawsuit in the same matter, provided the lawsuit is filed and served on the defendant within 30 days from the issuance of the injunction decision.

It should be noted that the information granted by virtue of a court decision on such a lawsuit/injunction application can only be used in the context of a dispute between the same litigant parties, either in Greece or in any other competent jurisdiction. The information provided to the rights holder cannot be used in any other current or future dispute between himself and a third party. Additionally, the rights holder may not use the information for the purpose of unfair competition against the alleged infringer, or for any other generally unlawful use.

5. Availability of interim relief (especially injunctions)

Preliminary measures will often involve the filing of an injunction application against an infringer. If the applicant is successful at the relevant hearing before the competent First Instance Court, an injunction will be granted. The main conditions for the acceptance of an injunction application are the following:

- an urgent need for the grant of award provisional measures; or
- imminent danger to the interests of the plaintiff patent owner/beneficiary as a result of the alleged infringement.

The existence of these factors must be shown by the plaintiff. Timing is therefore crucial in this procedure. Thus, an injunction procedure must be filed within a short time after the patent owner/beneficiary becomes aware of the infringement.

On filing an injunction application, the plaintiff rights holder may request a judge, appointed by the court for this purpose, to grant a temporary restraint order (TRO) with the intention of securing the preservation of the rights holder's interests prior to the grant of provisional measures. The validity of the TRO is usually extended by the court at the hearing of the injunction application up to the issuance of the decision. It is at the discretion of the judge to issue such an order, except for cases involving infringement of copyright where its issuance is compulsory. A TRO may be issued *ex parte* (ie without notice to the defendant), but the practice is that the judge will summon the defendant at its hearing.

Significant advantages of the injunction procedure are:

- It is not necessary to provide full proof of the rights holder's claim. It is enough that the rights holder is able to offer persuasive arguments as to the claim and to show that there is a substantial likelihood that his rights are being infringed;
- The injunction decision to be issued is non-appealable and, in spite of its

temporary nature, enforceable;

- The court has the authority to order all and any kind of provisional measures which are appropriate for the protection of the rights of the plaintiff, according to its discretion, and even if those measures are not provided in an explicit way by the law. Such provisional measures are:
 - the imposition upon the infringer of the obligation to cease and desist from the infringement (illegal use and/or production and/or distribution of the infringing products) and withdraw temporarily any infringing products from the market;
 - the detailed inventory of infringing items in the possession of the infringer or their temporary confiscation and sequestration;
 - the audit of the commercial records and books for the gathering of data as to the infringing items (conducted by a technical expert appointed by the court);
 - the threat of penalties (both monetary fine and personal incarceration) in the event that the court's orders are ignored and for each violation of its provisions; and
 - publication of the order of the injunction decision in the press.

The main disadvantage of the injunction procedure is its extremely tight timeframe, within which the plaintiff may not be able to persuade the ruling judge as to the urgent need for the grant of a preliminary protection and the imminent danger threatening his/her interests.

6. Disclosure

By virtue of articles 450 to 451 of Greece's Civil Procedure Code, in the context of a pending patent litigation every litigant or third party is obliged to disclose and demonstrate the documents in his possession that may be used as evidence in the court, unless there is a justified reason for not doing so. The preconditions for the application of such disclosure obligation are:

- the application of a litigant party submitted before the ruling court at every stage of the trial;
- the exact specification of the documents to be revealed in addition to their content;
- the possession of the documents by the opposing party or third party;
- the admissibility of the documents to the court as probative evidence; and
- the legitimate interest of the claiming party.

The disclosure is limited to the extent necessary for the clarification of the issues carefully and adequately cited in the relative application before the court and cannot be expanded to information beyond the scope of the pending dispute. The documents to be disclosed can only be used in the context of the pending dispute, as well as in any other dispute between the same litigant parties, taking into account the provisions of the law pertaining to the protection of confidential information/business secrets of the parties.

7. Evidence

The probative evidence that can be taken into consideration by the ruling court include:

- confessions;
- autopsies;
- experts' reports;
- documents;
- witnesses;
- examination of the litigant parties;
- litigant parties' oaths (ie the affirmation by a litigant, of the truth or falsity of specific facts under oath); and
- judicial presumptions (article 339 of the Civil Procedure Code).

It is at the court's discretion to evaluate and assess the probative value of the produced evidence, which may be in the form of documentary evidence (eg expert reports, written arguments or witness statements), or live witnesses giving oral testimony before the ruling court. Live witnesses (including experts) are subject to cross-examination.

As far as experts are concerned, according to article 368 of the Civil Procedure Code, the ruling court may appoint by its decision one or more of the experts included in the relative official experts' list available in every court, if it deems it necessary for certain technical or scientific issues to be clarified/estimated. In the event that a litigant party explicitly requests that an expert is appointed by the court, the court is legally obliged to proceed with the appointment of an expert, provided that it also reckons that special technical or scientific knowledge is required for certain issues to be resolved. The report drafted by the officially appointed experts is then submitted to the ruling court. The court is free to assess and evaluate the outcome of the technical or scientific research conducted when arriving at its decision. In most cases, however, the final decision issued in patent litigation will be based on the outcome of such a report.

Apart from the official procedure followed by the ruling court, as described above, the parties may, on their own initiative and at their own expense, resort to the appointment of one or more experts of their free choice and acquire a technical experts' report or an ad-hoc legal opinion that is then submitted to the ruling court as supporting evidence. These independently drafted reports or legal opinions can be judged by the court as it sees fit. Since it is common practice for the litigant parties to produce and submit such experts' reports to the court, the court will usually base its decision on the outcome of its own official expert report.

8. Law

According to article 10 of Law 1733/1987, a patent confers upon its owner, whether a natural person or legal entity, the exclusive and time-limited right productively to exploit the invention in any way legally feasible and financially desirable, as well as forbidding any third party from exploiting the invention or importing the products protected by the patent without the prior consent of the owner.

In the event of patent infringement, the extent of the protection conferred by a national or European patent or patent application is decisively determined by the accompanying description and drawings as well as the relative search report. The description and the drawings are used to interpret claims, but the latter along with the way in which they are outlined/phrased remain the main criteria for the acceptance or rejection of a specific patent infringement lawsuit. As described above, the ruling court may have recourse to one or more experts, who will review the relevant patent documentation, outline the applicable technical rule described in the claims which describe the essence of the invention, and then proceed with the comparison between such technical rule and the allegedly infringing national or European patent application/method or final product, so as to decide whether or not a patent infringement has actually taken place.

The doctrine of equivalence is often invoked in patent cases; however, the courts tend to accept it only as a means of interpretation or specification of the patent claims and not in order to expand a patent's ambit as set out by the relevant claims. According to the definition given to the doctrine of equivalence by the WIPO (World Intellectual Property Organisation) experts' committee, the claims of a patent cover not only the technical means specifically mentioned/described therein, but also any equivalent means. The applicability of the doctrine of equivalence deters the abbreviation of inventors' rights as well as the usage of the inventive idea by third parties through insignificant but equivalent technical, verbal or structural variations of the inventive idea. So far as this variation consists of an equivalent solution to the invention and is at the same time covered by the core of the inventive idea, the infringement is affirmed by the court, even if the grammatical wording of the patent does not cover such variation. On the other hand, the applicability of the doctrine of equivalence for the purpose of expanding the protection granted through the grammatical wording of the patent claims can only be the exception to the rule. The courts make use of this doctrine in order to specify the content of article 10 of Law 1733/1987 (which provides for the patent owner's right to forbid any third party from productively exploiting the invention) and to grant fair protection to the patent owner. This doctrine cannot, however, lead to the unfair expansion of the exclusive rights granted to the patent owner, in a way that might unreasonably affect the rights of third parties to operate in the same market.

As regards assessment of patentability, particularly in the context of a nullification action, according to article 5 of Law 1733/1987 patents will be granted for any inventions which are new, involve an inventive step and are susceptible of industrial application. The invention may relate to a product, a process or an industrial application.

An invention will be considered new if it does not form part of the state of the art. The state of the art is held as anything made available to the public anywhere in the world by means of a written or oral description or in any other way, before the filing date of the patent application or the date of priority. Patents will also be granted for an invention which has been disclosed no earlier than six months before the filing of the patent application, if the disclosure was due to:

- an evident abuse of the rights of the applicant or his legal predecessor; or

- the fact that the invention was displayed at an officially recognised international exhibition falling within the terms of the convention on international exhibitions signed in Paris on November 22 1928 and ratified in Greece by Law 5562/32. In this case, when filing the application, the applicant should state that the invention has been so displayed and should file the relevant supporting certificate. This disclosure does not affect the novelty of the invention.

In order for the ruling court to assess the novelty of a patent, it will resort to the appointment of experts, who will then undertake the necessary research in the technical databases available in every patent office around the world, most importantly the EPO and US Patent Office databases, and will submit the drafted report to the court for its final decision. According to Greek case law, an invention pertaining to the production of a product is considered to be novel if the product is essentially different (imports new characteristics) in comparison to similar products, whereas an invention pertaining to the production of a technical result is considered to be novel if it entails significant improvement of an already known result or due to its remarkable originality, irrespective of the fact that this improvement may affect only the production means or only the result, or the reduction of production costs, or all of the above.

An invention is considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. The inventive step may result from indications, such as the provision of an answer to a long-existing need, the commercial success of the patent, or its unexpected outcome. An invention involves an inventive step, when a person skilled in the art considers it to represent progress over the existing state of the art. This effectively means that the invention can only be considered as involving an inventive step if an average person skilled in the art could not proceed with the solution to a problem using the (former) state of the art.

An invention will be considered as susceptible of industrial application if its subject matter may be produced or used in any sector of industrial activity (not only commercial use).

The ruling court will usually resort to the appointment of technical experts, in order to assess any of the above elements necessary for the validity of a patent and the protection of the inventive idea. However, the patentability of certain types of subject matter, such as biotech or software inventions, is treated by both applicable legislation and the ruling courts in a particular way.

More specifically, as far as the patentability of biotechnological inventions is concerned, Greece has incorporated Directive 98/44/EC "on the legal protection of biotechnological inventions" through the issuance of Presidential Decree 321/2001. According to this decree, inventions which are new, involve an inventive step and are susceptible of industrial application will be patentable even if they concern a product consisting of or containing biological material, or a process by means of which biological material is produced, processed or used. Biological material which is isolated from its natural environment or produced by means of a technical process

may be the subject of an invention even if it previously occurred in nature. However, the human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene, cannot constitute patentable inventions. Moreover, inventions will be considered unpatentable where their commercial exploitation would be contrary to *ordre public* or morality. In particular, the following will be considered unpatentable:

- processes for cloning human beings;
- processes for modifying the germ line genetic identity of human beings;
- uses of human embryos for industrial or commercial purposes; and
- processes for modifying the genetic identity of animals that are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes.

With regard to software inventions, according to article 5 para 2c of Law 1733/1987, computer programs are not regarded as inventions and cannot be protected via a patent. In Greece, software inventions are protected by virtue of unfair competition law as well as Law No 2121/1993 on intellectual property. The preparatory material used for the completion of the program can also be protected; however, Law 2121/1993 does not cover the ideas and principles on which any element of the program is based. It must be noted that many jurists in Greece favour the patentability of software inventions if these inventions combine a theoretical rule with a technical result (eg an electronic device or a part of a machine). According to this view, a software invention is of a technical nature when it entails the configuration of the data-processing device or the immediate use of basic parts thereof.

9. Available remedies

The remedy provided in cases of patent rights infringements is the filing of a regular lawsuit against the infringer. This is a standalone remedy, which does not have to be supported by any preliminary action; however, it will ideally be combined with an injunction application.

In the event of a regular action for damages, the plaintiff will usually make a claim for permanent cessation of the infringement and a prohibition against any future infringement. If the court finds against the defendant, it may, in addition to compensation for damages suffered, order the destruction of the products manufactured in violation of the dispositions of Law 1733/1987. Instead of destruction, the court may order that the products or a part thereof be rendered to the plaintiff for his total or partial compensation, upon request of the latter. Additionally, at the request of the winning litigant party, the court may order the publication of its decision in the daily press.

As regards financial remedies, if the infringement was intentional, the patent owner is entitled to demand restitution or return of the benefits derived from the unfair exploitation of the invention, or the payment of an amount equal to the value of a licence for such exploitation (article 17 para 2 of Law 1733/1987). This article aims to aid the patent owner in relation to the estimation of the damages suffered by granting him the discretionary power to choose any of the three available and

alternative calculation methods. The plaintiff must set out in the pleadings to be submitted before the competent court an extremely accurate, detailed and specific calculation of the damages incurred. The patent litigation will then proceed on the basis of the partial or total acceptance/dismissal/adjustment of the requested sums.

A claim for the award of moral damages may also be included in the regular lawsuit. If appropriate evidence is offered in support, and depending on the facts of the case, the award of a reasonable sum to the patent owner may be granted on this ground.

It should be noted that Enforcement Directive 2004/48/EC providing for additional remedies has recently been integrated into the Greek national legislation to become part of Law 2121/1993 in relation to intellectual property, thus not being applicable in patent litigation.

The court procedure involves witness testimonies before the court and the parties are obliged to submit pleadings and supporting documentation (as set out in Section 3). The court will then issue a final decision, which is subject to appeal. The deadline within which the parties may appeal the decision of the competent Court of First Instance suspends the enforceability of such decision.

If an appeal is filed, any Appeals Court decision issued is final and enforceable, unless a further appeal is filed with the Supreme Court (though jurisdiction is here limited only to legal review) and an order of suspension is issued.

10. Costs

It is difficult to estimate the cost of a patent action, since it varies depending on the nature of the patent involved (eg pharmaceutical patent cases are always more complicated), the number of experts appointed in order to provide the ruling court with the necessary explanatory technical or scientific reports, the way in which the infringement took place and the complexity of both the legal and financial issues raised. For example, in an important patent case concerning pharmaceutical products the total cost for the injunction procedure can reach €40,000 to €50,000, whilst an increase of around 20% of that amount might reasonably be expected as far as the handling of the regular lawsuit is concerned. As regards fees payable to the competent court, in the Court of First Instance the costs incurred by a patent action, including the filing of the lawsuit/pleadings/addendum and the attendance at the court on the hearing date, are estimated at around €373, while the relative cost of the procedure before the Court of Appeals amounts to €564. In addition to these sums, in actions for damages, the plaintiff must pay to the court a duty amounting to 6.5% of the total sum claimed by virtue of the lawsuit. Finally, application costs for injunctions include those for filing the application, drafting and submitting pleadings, and attending the court hearing; these will amount to €343.

As regards costs of recovery, the Greek judicial system operates a system where the loser pays the winner's costs, based on the discretion of the ruling court. However, such recovery is of a symbolic nature and is never a specific percentage of the actual costs suffered by the litigant parties. Moreover, in the event of reasonable doubt regarding the position of the defeated party at the outcome of the trial, the court may provide an exemption from payment of such costs.

11. Hot topic(s)

In Greece, one of the most important recent developments in patent litigation was the inauguration of a special court department, which has existed and been functioning since May 2006 in the courts of Athens and Thessaloniki and which has exclusive competence to rule on patent-related cases. In this way, the need for judges specialising in intellectual and industrial property law issues has been met and the efficiency of the justice system in this field has been radically improved.

Additionally, there have recently been increasing numbers of lawsuits filed on behalf of companies and patent owners of branded products against pharmaceutical companies producing generic pharmaceutical products, claiming that their rights deriving from the patented and branded products have been infringed. The majority of such lawsuits for damages/injunction applications for the cessation of the infringement and prohibition of future infringements are currently pending, so the resulting case law is keenly anticipated in the legal world.

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Ingrid Pi is a senior associate practising in all areas of intellectual property law. Her practice extends to litigation and non-litigation issues in connection with the defence of patents, plant varieties, trade marks, designs and other intellectual property issues as well as unfair competition. She has extensive experience in patent law. For the past few years she has been involved in a number of patent infringement and nullity proceedings relating to patents in all technical fields, including proceedings to obtain and to preserve evidence and interim injunction proceedings. In addition, she has extensive knowledge of regulatory issues relating to medicinal products. She also lectures on intellectual property in postgraduate programmes and specialised seminars.

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Peter-Ulrik Plesner is a partner in the IP department at Plesner, which is one of the leading Danish law firms. Peter-Ulrik works on IP matters and especially patent litigation. He has experience in litigation in all Danish courts, including the Supreme Court. He is also Chairman of the Danish AIPPI Group and, as such, is a member of the AIPPI Executive Committee. Peter-Ulrik has presented several AIPPI reports and lectures to meetings in the Nordic AIPPI group. He has also lectured in several AIPPI-related matters, especially concerning patents. He represents a number of national and international manufacturers of pharmaceutical products.