

Public consultation about PMAC draft Arbitration Rules, joint observations of 8 French IP Organisations
(GF AIPPI, AFPPI, APEB, APRAM, ASPI, CNCPI, LES France, PMPI)

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Patent Mediation and Arbitration Centre

Mr. Aleš Zalar

contact-pmac@unifiedpatentcourt.org

Paris, 4 August 2025

Public consultation on Draft Arbitration Rules: Joint Observations of Eight French Intellectual Property Organisations

Dear Mr. Aleš Zalar,

This letter and the attached annotated draft Arbitration Rules express the views of eight major IP Organisations in France, hereafter quoted in their alphabetical order:

- GF AIPPI: French Group of International Association for the Protection of Intellectual Property
- AFPPI: French Association for the Protection of Intellectual Property
- APEB: Association of European Patent Practitioners
- APRAM: Association of Trademark and Design Law Practitioners
- ASPI: French Association of Industrial Property Specialists for Industry
- CNCPI: National Association of Industrial Property Counsel
- LES France: Licensing Executive Society France
- PMPI: Promotion of Mediation in Intellectual Property

The undersigned French IP Organisations have coordinated their efforts to prepare the present joint submission in response to the public consultation launched by the Patent Mediation and Arbitration Centre (PMAC) of the Unified Patent Court (UPC) concerning the draft Arbitration Rules.

The French IP Organisations welcome the inclusion of arbitration within the UPC framework and comment the publication of a dedicated set of draft Arbitration Rules in this respect. Since its establishment, the UPC has demonstrated both procedural efficiency and a high degree of legal and economic relevance, swiftly earning the trust of market participants and legal professionals alike. It has been observed that a number of early UPC decisions have led parties to settle their disputes before the UPC could issue a ruling on the merits or on the determination of damages for patent infringement. More recently, the mere initiation of UPC proceedings has, in some cases, prompted the parties to enter into negotiations and seek amicable resolutions.

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The French IP Organisations further welcome the reference in Article 2 of the draft Arbitration Rules to the applicability of arbitration to all disputes falling within the jurisdiction of the UPC pursuant to Article 32 of the Agreement on a Unified Patent Court (UPCA), including those relating to European patents regardless of their designation. They also support the extension of these rules to related disputes, which would allow the PMAC to assist in resolving matters involving non-European patents or related legal issues, such as trade secrets, unfair competition, or contractual relationships.

It is the view of the French IP Organisations that, where the parties agree to submit their dispute to arbitration, such arbitration should be capable of addressing the dispute in its entirety — and not only those aspects that fall strictly within the jurisdiction of the UPC. While Article 35 of the UPCA provides that the PMAC may offer mediation and arbitration services in relation to patent disputes within the scope of application of the UPCA, Article 3 limits the substantive scope of the UPCA to European patents, unitary patents, and supplementary protection certificates (SPCs). The French IP Organisations respectfully invite consideration of the possibility of extending the jurisdiction of the PMAC to cover all patent-related disputes and related disputes, even where the underlying dispute does not involve a European or unitary patent. Such an extension would significantly enhance the attractiveness of the PMAC as a forum for dispute resolution, including contractual disputes, and support its long-term success. It would also avoid the risk of time-consuming disputes about the competence of the PMAC.

As for the draft Mediation Rules, the French IP Organisations further note with interest the inclusion of specific provisions addressing FRAND licensing disputes. However, they consider that the provisions designed for FRAND cases should be generalised and made applicable to all arbitrations conducted under the auspices of the PMAC.

In addition, the French IP Organisations consider that further clarification is warranted on a number of points, including (i) the concurrent jurisdiction of the UPC/national courts for ordering provisional measures before the Arbitral Tribunal is constituted or even once it has been constituted; (ii) the language and contents of the Request for arbitration; (iii) the calculation and due date for payment of the provisional advance; (iv) the time-limit for rendering the final award (and extension thereof); and (v) the scrutiny of the award by the PMAC. The French IP Organisations have annotated the draft Arbitration Rules with their comments and suggestions, which are appended in the form of margin notes.

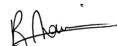
The French IP Organisations wish to express their sincere appreciation to the drafters for their work and for the attention they will give to the present observations and the accompanying annotated version of the draft rules. These contributions are intended to further support the development and promotion of both the UPC and the PMAC as trusted and effective instruments of dispute resolution not only in Europe but globally.

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These French IP Organisations remain available and would be happy to exchange further with you.

Best regards,

For GF AIPPI, French Group of International Association for the Protection of Intellectual Property: Richard Monni, President

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For AFPPI, French Association for the Protection of Intellectual Property: Ghislain de Trémoilles, President

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
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For APEB, Association of European Patent Practitioners: Pauline Debré, President, represented here by Marianne Gabrielle

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For APRAM, Association of Trademark and Design Law Practitioners: Julien Delucenay, President, represented here by Claire-Line Lallemand

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For ASPI, French Association of Industrial Property Specialists for Industry: Géraldine Guéry Jacques, President, represented here by Pierick Rousseau

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For CNCPI, National Association of Industrial Property Counsel: Emmanuel Potdevin, President, represented here by Laetitia Canezza


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For LES France, Licensing Executive Society France: Frédéric Portal, President

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For PMPI, Promotion of Mediation in Intellectual Property: Guillaume de La Bigne, President

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