## Contents

Table of Cases		Xiii		
Table of Legislation		xxiii		
Table of Conventions and Treaties		xxix		
List of Abbreviations				
List of Abbreviated Publications				
List of Abbreviated Works				
List of Abbreviated Works xli				
Chapter 1	Introductory	1.01		
I.	The Internationalization of Patent Law	1.05		
	1. International Patent Granting System	1.07		
	2. Harmonization of Patent Law	1.20		
	3. Cross-border Enforcement of Patents	1.28		
	The Supranationalization of Patent Law	1.34		
111.	Purpose and Structure of this Book	1.39		
	1. Purpose	1.39		
	2. Limits	1.41		
	3. Structure	1.48		
Chapter 2	Extraterritorial Jurisdiction	2.01		
I.	Introduction	2.01		
	1. On the Notion of Jurisdiction	2.03		
	2. Rules of International Jurisdiction	2.06		
11.	Foundations of Jurisdiction Rules Applicable to Patent Dispu			
	1. Consideration of the Subject Matter	2.11		
	2. Consideration of the Interests of the Parties	2.33		
TIT	3. Judicial Effectiveness The Current Vehicles Towards Extraterritorial Jurisdiction	2.46 2.83		
111.	1. Jurisdiction Rules Applicable to the Enforcement of a	2.03		
	Community Patent	2.85		
	2. Jurisdiction Rules Applicable to the Enforcement of Paralle			
	Patents	2.110		
Chapter 3	CROSS-BORDER PATENT ENFORCEMENT STRATEGIES	3.01		
I.	Introduction	3.01		
II.	Cross-border Litigation at the Defendant's Domicile	3.06		
	1. The Domicile of the Defendant	3.07		
	2. The Domicile of One of the Defendants	3.19		
	3. The Domicile of the Branch	3.56		
111.	Cross-border Litigation at the Place of the Infringement	3.62		
	1. The Scope of Application of Article 5(3)	3.64		
	2. The Jurisdictional Options	3.82		
TX /	3. Cross-border Jurisdiction?  Proliminary and Interlocutory Cross border Litigation	3.115		
ıv.	Preliminary and Interlocutory Cross-border Litigation  1. Scope of Application	3.128		
	2. Notion of Provisional Measures	3.151		
	- 1 TO CIOIL OI I TO VIOIOI IUI IVICUOUICO	0.101		

Chapter 4	OPPOSITION TO CROSS-BORDER PATENT INFRINGEMENT	
1	ACTIONS	4.01
I.	Introduction	4.01
	Challenging the Validity of a Patent	4.06
	1. Opposition to European Patents	4.08
	2. Revocation Proceedings Before the National Courts	4.11
	3. Infringement and Validity	4.37
III.	Declaration of Non-infringement	4.81
	1. Declaratory Actions Under the Judgments Conventions/	
	the Regulation	4.83
IV.	Challenging the Enforcement of Foreign Cross-border	
	Decisions	4.153
	1. The Scope of the Brussels I Regulation/the Brussels	
	and Lugano Conventions	4.155
	2. Automatic Recognition	4.157
	3. Enforcement of Foreign Judgments	4.180
Chapter 5	SELECTING THE GOVERNING LAW	5.01
T.	Introduction	5.01
	The Construction of Choice of Law Rules Applicable	
	to Patent Infringement Cases	5.07
	1. The Consideration of the Public Interest	5.11
	2. Protection of Expectations	5.27
	3. International Harmony of Laws	5.45
	4. Internal Coherence	5.53
III.	Sources of Choice of Law Rules	5.65
	1. Law Applicable to the Enforcement of a Community Patent	5.67
	2. Choice of Law Rules Applicable to the Enforcement	
	of Parallel Patents	5.69
IV.	Comparative Overview of Choice of Law Rules Applicable	- 00
	to Patent Infringement Disputes	5.88
	1. Introduction	5.88
<b>T</b> 7	2. Selecting the Appropriate Choice of Law Method	5.89
V.	Synthesis  1. The Mead for a Creatialized Chaire Dule	5.178
	<ol> <li>The Need for a Specialized Choice Rule</li> <li>The Need for a Florible Connecting Factor</li> </ol>	5.179
	2. The Need for a Flexible Connecting Factor  2. Scope of Application of the Choice Rule	5.181 5.185
	<ol> <li>Scope of Application of the Choice Rule</li> <li>Displacement of the Choice Rule</li> </ol>	5.208
VI	Concluding Remarks	5.215
	GENERAL CONCLUSIONS	6.01
	The Necessity of Cross-border Patent Enforcement	6.02
11.	The Availability of Cross-border Patent Enforcement	6.06
	1. Reach	6.06
TTT	2. Limits The Unpredictability of Cross-border Patent Enforcement	6.10
111.	The Unpredictability of Cross-border Patent Enforcement	0.17
Bibliograph	iy	281
Index		297