

Services | Invalidation of IP Rights

Freedom-to-operate

When developing products, the developer always has to bear in mind that third party rights (such as patents, trademarks, designs) might be infringed.

In order to facilitate an assessment of the risks that may exist, it is reasonable to carry out a freedom-to-operate search at an early stage - quite often as an integral part of the product development process. Such a search aims at identifying any potential third party rights that already exist and assessing their importance. This way, the rights can be considered appropriately. Depending on the situation, a solution may be found by modifying the product, acquiring a licence, acquiring the property right, or by destructing the property right.

The advice we provide in such cases involves all matters of potential infringement of property rights, carrying out infringement analyses and freedom-to-operate analyses and clarifying the validity of third party property rights. If necessary, we work out potential workaround solutions or conduct searches for documents and other prior publications that allow destruction of the third party property rights.

Invalidation procedures

If a client intends to invalidate a property right, we carry out an analysis of the legal validity and search for material that may be necessary for invalidating this property right. We devise invalidation strategies and point out opportunities and risks of the intended measure to our clients.

We represent our customers in invalidation procedures before a variety of institutes and courts as:

- * European Patent Office
- * Swiss Federal Institute of Intellectual Property
- * Swiss Federal Patent Court
- * German Patent and Trademark Office
- * German Federal Patent Court
- * national courts in Liechtenstein (in general with specialised trial lawyers).

For conducting litigation in other countries, we rely on an established international network of colleagues, most of whom we have collaborated with for many years.

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