

As intellectual property disputes become increasingly cross-border, arbitration continues to gain relevance as a forum for resolving complex IP matters

In recent years, we at Sandart have seen a significant increase in the number of IP-related arbitration proceedings, particularly disputes arising out of licence agreements, R&D collaborations, technology transfer arrangements, distribution agreements, and other commercial arrangements involving patents or other IP rights.

There are strong reasons to expect this trend to continue as innovation-driven businesses expand globally and technology collaborations become more sophisticated.

The official opening of the Patent Mediation and Arbitration Centre (PMAC) of the Unified Patent Court (UPC) on 2 June 2026, at which partners at Sandart will serve as arbitrators and mediators, is expected to further support and accelerate this trend by providing tailored procedures for patent disputes within the European patent system. The establishment of PMAC represents a major step forward, as it facilitates arbitration of patent disputes concerning infringement and validity (with effect inter partes) – matters that traditionally have been referred to national courts rather than resolved through arbitration.

One of the key advantages of arbitration in the IP context is its suitability for disputes involving multiple jurisdictions. Rather than litigating parallel proceedings before courts in different countries – with the associated costs, inefficiencies, and risk of inconsistent judgments – arbitration can provide a single, coordinated forum for resolving international disputes. This is often particularly valuable in contractual IP disputes involving global licensing or technology arrangements.

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In addition, IP arbitration offers significant advantages over traditional court litigation in terms of:

- confidentiality;
- procedural flexibility;
- the possibility to appoint arbitrators with technical or industry-specific expertise; and
- improved enforceability of awards across jurisdictions through the New York Convention.

To be properly prepared for potential disputes, parties should adopt a conscious and strategic approach to dispute resolution already at the contracting stage. This includes carefully drafted dispute resolution clauses tailored to the specific IP and commercial context, taking into account factors such as the specific limits of arbitrability concerning certain IP-related issues, forum, applicable law, confidentiality, interim relief, and enforceability across jurisdictions.

We are happy to discuss how your dispute resolution strategy can be optimised – do not hesitate to contact any member of our team.



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