

Article 8

(1) In the event of proceedings based on the same claim and between the same parties being brought before courts of different Contracting States, the court to which a later application is made shall of its own motion decline jurisdiction in favour of the court to which an earlier application was made.

(2) In the event of the jurisdiction of the court to which an earlier application is made being challenged, the court to which a later application is made shall stay the proceedings until the other court takes a final decision.

SECTION II

Recognition

Article 9

(1) Subject to the provisions of Article 11, paragraph 2, final decisions given in any Contracting State on the right to the grant of a European patent in respect of one or more of the Contracting States designated in the European patent application shall be recognised without requiring a special procedure in the other Contracting States.

(2) The jurisdiction of the court whose decision is to be recognised and the validity of such decision may not be reviewed.

Article 10

Article 9, paragraph 1, shall not be applicable where:

- (a) an applicant for a European patent who has not contested a claim proves that the document initiating the proceedings was not notified to him regularly and sufficiently early for him to defend himself; or
- (b) an applicant proves that the decision is incompatible with another decision given in a Contracting State in proceedings between the same parties which were started before those in which the decision to be recognised was given.

Artikel 8

1) Indbringes en sag med samme krav og mellem de samme parter for retter i forskellige kontraherende stater, skal den ret, for hvilken sagen senest er indbragt, *ex officio* erklære sig for inkompetent til fordel for den ret, for hvilken sagen først er indbragt.

2) Den ret, som i henhold til stk. 1 skulle erklære sig for inkompetent, skal udsætte behandlingen af sagen, indtil der foreligger en endelig afgørelse fra den ret, for hvilken sagen først er indbragt, såfremt denne rets kompetence er draget i tvivl.

AFSNIT II

Anerkendelse

Artikel 9

1) Med forbehold af bestemmelserne i artikel 11, stk. 2, anerkendes de i en kontraherende stat truffne endelige afgørelser om retten til at få meddelt et europæisk patent for en eller flere af de i den europæiske patentansøgning designerede kontraherende stater i de øvrige kontraherende stater, uden at der hertil kræves nogen speciel procedure.

2) Den kompetence, der tilkommer den ret, hvis afgørelse skal anerkendes, samt afgørelsens gyldighed kan ikke underkastes fornyet prøvelse.

Artikel 10

Artikel 9, stk. 1, finder ikke anvendelse,

- a) hvis en ansøger, der ikke har bestridt et krav, godtgør, at det dokument, der indledte sagen, ikke er tilstillet ham forskriftsmæssigt og ikke så betids, at han har kunnet forsvare sig;
- b) hvis ansøgeren godtgør, at afgørelsen er uforenelig med en anden afgørelse, som er truffet i en kontraherende stat i en sag mellem de samme parter, som er indbragt før den, der har ført til den afgørelse, der skal anerkendes.