

Value in dispute and legal costs

What is the value in dispute?

- ▶ The “value in dispute” refers to a fictitious amount of money that is at stake in a legal dispute. It serves as the basis for calculating legal and court costs and determines which court has jurisdiction over the case and which legal remedies can be filed, if applicable.
- ▶ The amount of the value in dispute is determined by various circumstances of the individual case. Which circumstances are to be taken into account is regulated by law. The value in dispute is reviewed by the court and in some cases also determined.
- ▶ Example of trademark infringements:
In the case of trademark infringements, the value in dispute is usually between 25,000 and 100,000 euros. The exact amount depends on various factors, in particular the economic value of the trademark infringed, the reputation of the trademark and the severity of the infringement.

Why is the value in dispute important?

- ▶ Lawyer and court costs: The legal fees for lawyers and courts are based on the value in dispute. A higher value in dispute usually leads to higher costs.
- ▶ Jurisdiction of the courts: The value in dispute determines whether the district court or the regional court has jurisdiction over the case.
- ▶ Legal remedies in the process: Certain legal remedies, such as an appeal, are only permissible above a certain value in dispute.

What are litigation costs?

- ▶ The legal costs are the total of all costs that arise in connection with legal proceedings. They mainly consist of the lawyer’s fees, the court fees and, if applicable, the patent attorney’s fees. In addition, there may be costs for experts and expenses.
- ▶ These costs are directly linked to the value in dispute, i.e. the financial value that is being disputed in the legal dispute. The higher the value in dispute, the higher the legal costs are as a rule.
The value in dispute serves as the basis for calculating the fees in accordance with the Lawyers’ Remuneration Act (RVG) and the Court Costs Act (GKG).

Components of the legal costs

▶ Lawyer's fees:

The fees for your lawyer depend on the value in dispute and are set out in the RVG.

They include various items, such as the procedural fee, the hearing fee and, if applicable, the settlement fee.

Example: If the value in dispute is 50,000 euros, the lawyer's fees are 3,828.83 euros.

▶ Court fees:

These fees cover the court's costs for conducting the proceedings.

They also depend on the value in dispute and are regulated in the GKG.

Example: If the value in dispute is 50,000 euros, court fees of 1,803.00 euros are incurred.

▶ Patent attorney fees:

In cases that involve technical or patent law aspects, additional fees for a patent attorney may arise.

These also depend on the value in dispute and are based on the fee tables.

Why are litigation costs important?

- ▶ Financial planning: Knowing the expected litigation costs enables you to better estimate the financial risks of a legal dispute.
- ▶ Litigation cost risk: If you lose, you may be required to pay the entire litigation costs, including the opposing side's costs.
- ▶ Strategic considerations: High litigation costs can influence whether litigation is pursued or an out-of-court settlement is sought.

Example for calculating process costs

Assume there is a trademark infringement with a dispute value of 50.000 euros:

- ▶ Attorney fees (own attorney): approx. 3,828.83 euros
- ▶ Attorney fees (opposing attorney): approx. 3,828.83 euros
- ▶ Court fees: approx. 1,803.00 euros
- ▶ Total costs (without patent attorney): approx. 9,460.66 euros
- ▶ If a patent attorney is called in, additional costs of a similar amount may be incurred.

Note: The amounts mentioned are examples and are for illustrative purposes. The actual costs may vary and should be calculated individually in each specific case.

To the point

The value in dispute is a central element in the court proceedings that influences many aspects. Precise knowledge and careful calculation are therefore essential. Our experienced team of lawyers will advise you on any questions or uncertainties in order to take your individual circumstances into account.

Note:

Please be aware that the above information serves as general guidance and does not replace legal advice. Specific requirements may vary depending on the individual case. Professional legal assistance is recommended.



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