



CONTEMPT IN IPR CASES – The Dagger and the Sword Approach by Pravin Anand, Vaishali Mittal and Ravin Galgotia

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*A short article is about the latter genre of orders which are becoming so attractive that sometimes the flow of the entire case changes against a contemnor. Proceedings in contempt can bring in an early end to the dispute and result in presumptions favouring the suffering party and against the contemnor. The contempt jurisdiction is a rather interesting one. As the title of the Article might suggest, when you originally approach a Court of Law for an order against a third party, the dispute is seen by the Judge as essentially one involving two private parties. He may pull out a dagger metaphorically and pass an ex parte order such as an injunction or in a suitable case a bit stronger *anton piller* order to search the Defendant's premises and seize infringing goods or in some cases an even stronger order attaching bank accounts (a "Mareva Injunction") and orders of a similar nature that may measure 5-7 on the Richter scale. On the other hand, if the Defendant misbehaves with the Local Commissioner or thwarts Court proceedings, he defies the Court order and such disobedience is an insult to the Court and in such a situation, the Court additionally becomes involved in the proceedings and the Judge pulls out again metaphorically a sword and passes orders which may measure 9-10 on the Richter scale. Read more:*

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