Lessons from India on SEP Litigation

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India has witnessed much standard essential patent litigation in recent times. Several multi-national SEP holders have chosen Indian Courts, particularly the Delhi High Court, as the forum to litigate their SEPs. Pravin Anand and Abhilasha Nautiyal explain why. Philips was the first to land on Indian shores to litigate its SEPs and it was almost poetic justice when judgment was reserved in a Philips SEP lawsuit in July 2017 becoming the first SEP case in which post-trial judgment was reserved. This was particularly interesting since Ericsson, another big SEP litigant in India, has tried to expedite trial in its cases and in fact one such case, *Ericsson v Lava*, has been pending at the final hearing stage for a while now. India introduced the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act in 2016. This legislation identifies certain cases, including patent litigation, as "commercial cases" and provides for, among other things, expedited procedures for such lawsuits. However, even prior to the enactment of this legislation, India witnessed significant SEP action. One reason for this is of course the size of the Indian market and the localised operations of several large implementers. It also helps that litigating in India is more economical than in many sophisticated jurisdictions. *This article was published in Managing Intellectual Property.*

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