Pre suit Mediation Litigation-Unique form of Alternate Dispute Resolution

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Pre-suit Mediation Litigation is a unique form of alternate dispute resolution where parties negotiate and communicate that settlement is a much more viable option than resorting to litigation. Nokia used pre-suit mediation litigation to resolve matters relating to infringement of its SEPs against a multitude of entities in India, most importantly at a time when SEP litigation is the dominant industry trend across the world. Having contested India's first SEP litigation (for Philips), Anand and Anand knew that the traditional litigation or negotiations *simpliciter* would be counter-productive to the clients' expectations as traditional litigation for SEP infringement increases chances of a challenge to the validity of the patent (either through counter-claim or revocation) and are time-consuming and expensive. Also, there are chances of SEP holders risk inviting complaints of anti-competitive behaviour or abuse of dominant position. Anand and Anand assisted and worked very closely with Nokia technologies Oy, in reaching patent licenses for Nokia's cellular standard essential patents (SEPs) with the largest Indian handsets. To achieve this, Nokia made use of a creative means of alternate dispute resolution: Pre-suit Mediation Litigation. Having used this strategy in the past for trademark disputes, the Anand and Anand team advised Nokia to adopt this new approach and had a strong intuition that it would deliver results. The strategy proved to be extremely effective as Nokia was able to settle its disputes within a record time span of 8 months and was able to achieve its licensing goals in India, at reduced costs, time and resources. By becoming the only cellular SEP owner to successfully license a majority of the Indian telecom market, Nokia set an impressive precedent for SEP holders and deterrence for infringers. *Nokia Pre- suit mediation was featured in IBLJ- Deals of the year 2017.* ***Read more:*** "Lessons from India on SEP Litigation"

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