Law and Regulation on Patent Litigation

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An extensive discussion on Indian patent legislation and common law, with an emphasis on legal proceedings and customs enforcement. The recognition and enforcement of patent rights in India is principally governed by the Patents Act 1970 and the rules issued under the Act. The Act has been amended several times and was substantially amended by the Patents (Amendment) Act 2005 in order to bring the Indian patent regime into line with the Agreement on Trade-Related Aspects of Intellectual Property Rights 1994 (TRIPs). Customs enforcement of intellectual property rights (including patents) is governed by the Intellectual Property Rights (Imported Goods) Enforcement Rules 2007. Right holders can notify the customs authorities of the goods allegedly infringing their patent rights. On the basis of such information, customs authorities can detain and seize the goods in accordance with the applicable procedure. *Authored by Pravin Anand, Aditya Gupta, Saukshmya Trichi and Aasish Somasi. This chapter was published in Practical Law's Patent Litigation 2016.* To continue reading, please contact us at email@anandandanand.com

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