

Report Q185



Enforcement of Intellectual Property Rights

The Special Committee on “Enforcement of Intellectual Property Rights” has recently decided to focus the ongoing study on the issue of “Specialised IP courts”.

Many voices around the world support the creation of more dedicated IP courts with the aim of providing predictable and quicker litigation, which matters in particular for technical cases. According to many critics, intellectual property litigation is frequently subject to unpredictable results due to the inability of the judicial system to keep up with the increasing complexity of the subject matter in dispute.

Numerous countries have already instituted some form of specialised IP courts¹. It remains, however, to be determined what constitutes a specialised court and what are the factors which need to be considered in determining whether a court can be described as specialised. It is also to be investigated whether there is any objective evidence in favor of specialist courts providing a more effective IP enforcement system than generalist courts. Factors such as cost, speed and popularity of the jurisdiction may also need to be examined.

The aim of the study is to identify the steps required within AIPPI to implement a suitable policy in order to be able to speak with the voices of its members in the ongoing discussion.

The members of the Committee will meet on Saturday, October 6, 2007 at 10.00 during the ExCo in Singapore.

¹ See IBA’s International Survey of Specialised Intellectual Property Courts and Tribunals, September 2005.