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Cross Border Patent Litigation. An Italian Perspective.

1) Brief Overview of Patent Litigation before the Italian Courts.

12 Specialised IP Courts

Infringement Proceedings

Declaratory Judgement Proceedings (DJ)

Revocation Actions

Use of Counterclaims

Seize Orders (Implementation of the Enforcement Directive)

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2) Options Available to Patentees v. Foreign Defendants

The Boundaries of Direct Infringement under Italian Law

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The Test for Direct Infringement

Indirect / Contributory Infringement

Art. 30 Luxemburg Community Patent Convention NOT Implemented in Italy

Indirect / Contributory Infringement Based on General Principles on Joint
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Requirements for Substantiating Indirect Infringement in Cross Border Cases

A Brief Overview of Latest Case Law

3) Options Available to Alleged Infringers v Foreign Patentees: Torpedo Actions

Definition

Brief Overview of Italian Case Law before and after the ECJ Decision in *Gat v Luk*

Latest Developments: the *Visto v. Rim* Decisions in Italy and Germany

Still Deadly Zombies?

How to Get Rid of Them: Some Practical Suggestions.