

NPEs and their right to an injunction

A European perspective

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“...just trying to essentially leverage and hijack somebody else’s idea and see if they can extort some money out of them.”

Rt. Hon. Sir Robin Jacob, 2008:

- 1) no patentee has an absolute right to an injunction
- 2) normally also an NPE will get one
- 3) the courts should always have a reserve power to refuse an injunction and to fashion a financial and/or other remedy appropriate to the circumstances of the case and the public interest

The Netherlands:

- 1) in principle: any patent owner with valid interest is entitled to an injunction (in main proceedings)
- 2) exception: abuse of rights
- 3) exception (very rare):
serious public interest or compulsory license

Thank you