INJUNCTIONS IN PATENT LAW

Patents are important tools for innovation policy. They incentivize the creation and dissemination of new technical solutions and help to disclose their working to the public in exchange for limited exclusivity. Injunctions are important tools of their enforcement. Much has been written about different aspects of the patent system, but the issue of injunctions is largely neglected in the comparative legal literature. This book explains how the drafting, tailoring and enforcement of injunctions in patent law works in several leading jurisdictions: Europe, the United States, Canada, and Israel. The chapters provide in-depth explanation of how and why national judges provide for or reject flexibility and tailoring of injunctive relief. With its transatlantic and intra- European comparisons, as well as a policy and theoretical synthesis, this is the most comprehensive overview available for practicing attorneys and scholars in patent law. This book is also available as Open Access on Cambridge Core.

JORGE L. CONTRERAS is Presidential Scholar and Professor at the University of Utah S.J. Quinney College of Law.

MARTIN HUSOVEC is Assistant Professor at the London School of Economics and Political Science, LSE Law School.

Injunctions in Patent Law

TRANS-ATLANTIC DIALOGUES ON FLEXIBILITY AND TAILORING

Edited by

JORGE L. CONTRERAS

University of Utah S. J. Quinney College of Law

MARTIN HUSOVEC

London School of Economics and Political Science



CAMBRIDGEUNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108835619
DOI: 10.1017/9781108891103

© Cambridge University Press 2022

This work is in copyright. It is subject to statutory exceptions and to the provisions of relevant licensing agreements; with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part of this work may take place without the written permission of Cambridge University Press.

An online version of this work is published at doi.org/10.1017/9781108891103 under a Creative Commons Open Access license CC-BY-NC-ND 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. You may not distribute derivative works without permission. To view a copy of this license, visit https://creativecommons.org/licenses/by-nc-nd/4.0

All versions of this work may contain content reproduced under license from third parties. Permission to reproduce this third-party content must be obtained from these third-parties directly. When citing this work, please include a reference to the DOI 10.1017/9781108891103

First published 2022

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Contreras, Jorge L., editor. | Husovec, Martin, editor.

TITLE: Injunctions in patent law: Trans-Atlantic dialogues on flexibility and tailoring / edited by Jorge L. Contreras, University of Utah S.J. Quinney College of Law; Martin Husovec, Department of Law, The London School of Economics and Political Science (LSE).

DESCRIPTION: Cambridge, United Kingdom; New York, NY: Cambridge University Press, 2022. |
Includes bibliographical references and index.

IDENTIFIERS: LCCN 2021040633 (print) | LCCN 2021040634 (ebook) | ISBN 9781108835619 (hardback) | ISBN 9781108812955 (paperback) | ISBN 9781108891103 (epub)

SUBJECTS: LCSH: Patent suits. | Injunctions.

CLASSIFICATION: LCC K1536 .155 2022 (print) | LCC K1536 (ebook) | DDC 346.04/86–DC23 LC record available at https://lccn.loc.gov/2021040633 LC ebook record available at https://lccn.loc.gov/2021040634

ISBN 978-1-108-83561-9 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.