

TSC WG 9/10 BSG: Bases and Rationales for Injunctive Relief Across Jurisdictions

(First Draft Outline)

General remarks:

- Procedural and substantive law comparison of injunctive relief across important jurisdictions (US/CN/BR/IN/UPC [TBD: several European countries like UK, FR, NL, DE, IT])

Topics for procedural law comparison:

- Requirements for permanent and preliminary injunctions, maybe with a focus on:
 - US: *eBay* / ITC / TBD: Draft RESTORE-Bill
 - IN/BR: PIs
 - CN: SEP injunctions / injunction gap
 - UPC/Europe: “Automatic” injunctions / injunction gap
- Availability of *ex parte* preliminary injunctions
- Availability of injunctions for NPEs
- Availability of cross-border injunctions
- TBD: Availability of anti-(anti-anti-)suit-injunctions

Topics for substantive law comparison:

- Availability of public interest/proportionality defense for defendants
- Impact of FRAND-defense on availability of injunction

Other aspects:

- Enforcement of permanent and preliminary injunctions
- Possibilities for defendants to suspend enforcement
- Statistics