Recent Indian Case Law on Standard Essential Patents

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Enrico Bonadio (University School of Law and Legal Studies, New Delhi)
Dr. Luke McDonagh (City, University of London


In the past few years, India has produced significant case law on Standard Essential Patents ("SEPs") with the High Court of Delhi being the venue of several high-profile disputes. An important SEP decision is India - Interdigital v. Xiaomi - was recently handed down by this Court in early May 2021. The case relates to litigation occurring in different countries. In this piece, we outline the major cases that have arisen since 2018, focusing on the most recent ones - Interdigital v. Xiaomi.

Previous Indian case law

In July 2018, India’s Full Bench SEP decision was issued by the High Court of Delhi in two joined侵犯专利纠纷, Interdigital v. Xiaomi and Interdigital v. Bhagirathi Electronics. In this case, the defendants were ordered to cease using the patents in question.

In May 2020, the High Court of Delhi, in its Full Bench order, summarized the issues in the Interdigital v. Xiaomi case. The court held that the defendants had not adequately demonstrated that the patents in question were essential to the standard. As such, the court granted Interdigital an anti-anti-suit injunction.

In June 2020, Xiaomi filed a complaint against InterDigital in the Wuhan Intermediate People’s Court for infringement of SEPs. The court ordered Xiaomi to cease infringing InterDigital’s patents and pay damages.

Interdigital v. Xiaomi (2020-21)

In July 2020, the Wuhan court issued an anti-suit injunction against Xiaomi, preventing Xiaomi from taking any steps to enforce its SEP in China.

On 3 August 2020, the Wuhan Intermediate People’s Court issued an anti-anti-suit injunction against Xiaomi, directing it not to pursue any action in the Wuhan court.

On 3 September 2020, Xiaomi filed a complaint against InterDigital in the Wuhan Intermediate People’s Court for infringement of SEPs.

On 9 October 2020, the Wuhan court issued a permanent injunction against Xiaomi, preventing it from using InterDigital’s SEPs.

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Conclusion

This decision is a welcome development for InterDigital. Generally, SEPs are complex and involved, requiring a careful balance between the interests of SEP owners and implementers. As such, it is important that the courts ensure that the balance is maintained in all cases.

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