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Decussating Aspects of IntellectualProperty Rights and Private International Law in India

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Intellectual property issues are covered by international contracts and need private enforcement, or steps taken in court by private parties. These legal actions are governed by the legislation of the nation where the lawsuit is filed and are based on the territoriality concept. A thriving private international law may contribute to the system in ways that go well beyond resolving individual conflicts because it acknowledges the expressive and formative power of judicial decision-making. National courts had played limited part in the development of global intellectual property law under the conventional framework controlling matters relating to intellectual property. The lack of willingness on the part of courts to consider claims involving external intellectual property rights resulted in a pattern of domestic litigation of foreign conflicts, typically based on a right similar to that given by the municipal law system in effect at the time. When it came to intellectual property rights, litigation only involved the domestic rights discussed in municipal law. It did, however, get national courts thinking about situations with global implications, which led to the incorporation of private international law into IP protections. In an effort to better understand the Indian perspective on foreign intellectual property concerns, this study examines the laws that govern IPR violation, validity, ownership, and the difficulties of implementing abroad court judgments.

Keywords: Intellectual Property Rights, Private International Law, Choice of Law, Jurisdiction

As a result of globalisation, revolution and rise of communication technology and information, commercial ties and cross-border commerce now contain numerous aspects of intellectual property rights (hereinafter referred to as IPRs). Numerous intellectual property-related issues involving foreign parties have unavoidably resulted from the growth of international trade, business, and foreign investment. A transnational contract frequently covers the administration of intellectual property rights (IPRs) and any issues that can come from such management. It might also cover conflict resolution that calls for private enforcement or for private parties to take legal action to protect their IPRs. These legal actions are governed by the legislation of the nation where the lawsuit is filed and are built on the territoriality concept. There might be a potential conflict of laws if the terms and conditions under which IPRs are protected in two nations differ. To resolve concerns relating to transnational IPR-related conflicts, states have turned to bilateral and multilateral treaties. The emergence of a body of private international law standards based primarily on the needs of intellectual property rights is a relatively recent phenomenon, with just a few international bodies and sessions actively working to establish such a framework.[1] Aside from adhering to the treaty framework of public international law, India has not attempted to develop content through legislative initiatives.

Development of Intellectual Property Laws inIndia

After gaining independence, the Indian State started making reforms to the legal and regulatory framework in an effort to improve IPR protection in India. Since 1995, India has been a signatory member of the World Trade Organization (WTO), agreeing to abide by its minimal requirements. The Indian Parliament revised the country's current intellectual property laws and passed new legislation in accordance with WTO-TRIPS rules. The existing legal framework for intellectual property in India is comprised of the Patent Act of 1970, as amended in 2005; the Trade Marks Act of 1999, as amended in 2010; the Designs Act of 2000; and the Copyright Act of 1957, as amended in 2012. Certain recently recognised areas of intellectual property in India now have legal protection thanks to the Semiconductor Integrated Circuits Layout Design Act, 2000, Geographical Indications of Goods (Registration and Protection) Act 1999, the Biological Diversity Act, 2002, and the protection of Plant Varieties and Farmers Rights Act, 2001. The World Intellectual Property

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Organization (WIPO) oversees a number of international agreements and conventions relating to intellectual property, many of which India is a party to (WIPO).

Private International Law & Intellectual Property Law from a Global Perspective

Private international law is concerned with the lawful rules which control how "legal persons" from various States interact beyond national boundaries. Principles of private international law derived from judgments rendered by municipal law courts are used to address transnational issues relating to a property, contract and personal status. Until recently, there was just a bare minimum of international consensus on many of the problems that frequently come up in international conflicts. Judicial opinion has considerably added to this body of knowledge. Many nations have handled potential conflicts of laws in their local legal systems, but in recent years, as cross-border exchanges have risen, it has been more obvious how diverse these situations are. In India, the relevant personal law is decided by the individual's religion, although most of the nations where Indian people are a significant portion of the population do not have personal laws grounded on religious beliefs and a uniform civil code is applied to every resident. Because of this, choice of law, judgment recognition and national laws on jurisdiction continue to play a significant role in determining the contents of private international law.[2]

Despite the fact that private international law shares many characteristics with public international law in that its substance is drawn from the treaty duties of States, the purposes and objectives of intellectual property regimes are seen as primarily utilitarian. Since private international law must engage with rights and principles that are obviously of a public nature, it is not surprising that some conflict may arise. In the sphere of intellectual property law, private international law rules are created and applied within the context of public international law.

Application of Hague Conference on Private International Law in India

The area of the State that bestows them is the only place where intellectual property rights may be acquired. Therefore, it will be excessive nosiness with the State that first awarded the constitutional rights which are the subject of the current dispute if a State beyond the one which recognised or granted the IPRs sought to exercise jurisdiction. However, the situation of IPR's Private International Law and IPRs engaging in the areas of contract law, tort principles, property law, and implementation of the jurisdictional principle for settlement of IPR- related issues came to light as a result of transnational trade. Furthermore, in the lack of a comprehensive treaty, numerous documents mentioning private international law provisions connected to IPR-related issues have only served to emphasize the need for a consistent set of regulations addressing the suitability of this area in a globalised context. [3]

Although it is still true that conflict of law rules in many countries show variation, it is also true that a number of organized efforts to harmonize and unify private international law, particularly since the 20th century. The aim of these initiatives has been to establish a unified legal framework in a particular region. With a mix of private, regional, international, intergovernmental, and academic entities working toward accomplishing this goal, the commercial law field has experienced great progress.[4]

The most important of these organisations is the Hague Conference on Private International Law (hereafter referred to as HCCH), which started promoting the progressive unification of private international law concepts in 1955. Members include 80 States and one organisation promoting regional economic cooperation (European Union). After India joined the Hague Conference in 2008, the Joint Secretary within the Ministry of External Affairs was now given the responsibility of representing India in accordance with Article 7 of the Statute.[5]

India is obliged by the Conventions at the HCCH, which have an impact on IPR-related issues:

(i) Public papers, such as notarial act, administrative documents etc., performed on the jurisdiction of other contracting states must be accepted inside each contracting state under the Convention of 1961 on repealing the conditions of legalization of foreign legal documents.

(ii) All civil or commercial actions requiring transmissions of judicial or extrajudicial documents for service abroad are subject to the 1965 Convention on the service abroad of judicial and extrajudicial documents in commercial or civil matters.[6] India joined this Convention in 2006, and on 1 August 2007, it entered into force.[7] The Convention specifies the mechanisms *via* which documents (both judicial and extrajudicial) from one Contracting State may be sent to another contracting state for service there.[8] The substantive norms of the process of service are not addressed; only the

conveyance of service is. In accordance with the convention, each member state must nominate a central entity to handle administrative tasks and fulfil requests from other members. The Department of Legal Affairs in the Ministry of Law and Justice in India has been given the convention's designation of central authority. Requests are fulfilled within two months thanks to the convention's procedures for extrajudicial document delivery, which are successful in their purpose.

The Convention of 1970 on taking of evidence abroad in commercial or civil disputes established procedures for international cooperation in the gathering of evidence in civil or commercial matters. The Convention allows for the collecting of evidence by letters of request; and through diplomatic agents, and commissioners. These Conventions provide effective means of avoiding the differences between the Common Law and Civil Law regimes with regard to the collection ofevidence.[9]

Role of WIPO towards GlobalCooperation

When it comes to intellectual property, WIPO isthe place to go for assistance, discussion, and collaboration on a worldwide scale. It is an independent financial entity inside the United Nations system and has 193 member states. The World Intellectual Property Organization's goal is to promote the growth of a fair and efficient global IP framework that encourages creative problem solving for the benefit of all people. The WIPO Convention, which formed WIPO in 1967, lays out the organization's mission, governing bodies, and processes.[10]

When it comes to intellectual property (IP), WIPO is there to assist governments, enterprises, and people reap its IP benefits. It provides global services to protect IP across borders and resolve disputes. It also assists nations with technical infrastructure to connect IP systems and share knowledge; cooperation and capacity building programmes to enable all countries to use IP for economic, social, and cultural development. Further it stands as the world reference source of IP related information.

Interplay between Private International Law and Intellectual Property Rights in India: Issues and Challenges

In India, there are no statutory provisions that focus primarily on IPR-related concerns with a relationship to private international law. But there was a mention of the under the Section 62 of the Copyright Act, the Indian courts have jurisdiction. This hypothetical situation might serve as an illustration of the legislative stance on the jurisdiction of Indian courts- *A foreign publisher with operations in countries A and B hired an Indian author to create a book. Which nation's courts would have jurisdiction if, upon publication, the office in country A refused to pay or if there was a copyright violation by the author?* In such cases, under Section 62 of the Copyright Act, the Indian court can exercise its jurisdiction, a notable exception of the standard rule is that the defendant's convenience should largely guide the choice of jurisdiction.[11]

Jurisdiction as a Conflicting Aspect

Article 16(4) of the Brussels Convention, 1968 established exclusive jurisdiction over procedures relating to the revocation, validity of intellectual property, and registration.[12] Depending on the international agreement in question, the issue will only be heard by the courts of theContracting State in which the registration or deposit was requested, completed, or is otherwise deemed to have happened. A rigorousexplanation was needed for since this went against the accused's foundational notion of jurisdiction. This constrictive reading of Article 22.4 of the Brussels I Regulation were upheld in the case of *Duijnstee* v *Goderbauer*[13] by the Court of Justice.

Samsung and Apple Electronics were parties to many lawsuits in several jurisdictions for the contraventions of intellectual properties of Apple by Samsung Electronics. However, parties to the dispute accepted the US Court as their preferred venue and abandoned all other legal actions pending in other countries, claiming, among other justifications, the need to prevent concurrent litigation. No court in the world claims extraterritorial jurisdiction over issues like this one because it can be seen to be excessive. Exorbitant jurisdiction, as defined by Russell, is jurisdiction that is lawfully exercised in accordance with a state's jurisdictional laws but that, due to the justifications given for the exercise of the jurisdiction, looks arbitrary to non-nationals. The Apple case reiterated the difficulty of determining intellectual property jurisdiction. In India, the Code of Civil Procedure, 1908 (hereafter, the CPC), the Trade Marks Act, 1999 in the particular IPR-related conflicts, The Copyright Act, 1957, have all explicitly defined the rules and regulations of jurisdiction relevant to IPR disputes as well as the generally applicable provisions.

Section 20 of the Indian Civil Procedure Code, 1908 states that a case can be heard in an Indian court if the defendant has habitually and knowingly resided, conducted business, or worked for compensation within the geographical area encompassing the court's jurisdiction, or if all or a substantial part of the cause of action arises within that area. Section 20 placed a premium on the relevance of the underlying cause of action and the forum-relatedness of the disputes, in contrast to the approach used in the West. The fundamental standards of jurisdiction in India available under Section 20, CPC are modified by the unique intellectual property legislation under Section 134(2) of the Trade Mark Act, 1999 and under Sections 62 of the Copyright Act, 1957. The plaintiff in an intellectual property infringement case does not need to bring suit where the defendant is located or where the infringement occurred; rather, he need only bring suit in a court that has personal jurisdiction over him. The jurisdictional rule set out in Section 20 of the CPC is not precluded by the use of the term "*notwithstanding anything contained in the Code of Civil Procedure*," which is used in the Copyright Act, but the plaintiff is given an additional remedy.

The Supreme Court ruled in Indian Performing Rights Society Ltd. v Sanjay Dalia[14] that

> "*The provision of Section 62 of the Copyright Act and section 134 of the Trade Marks Act have to be interpreted in the purposive manner. A suit can be filed by the plaintiff at a place where he is residing or carrying on business or personally works for gain. He need not travel to file a suit to a place where defendant is residing or cause of action wholly or in part arises. However, if the plaintiff is residing or carrying on business etc. at a place where cause of action, wholly or in part, has also arisen, he has to file a suit at that place*". [14]

The ruling gave the plaintiff access to an additional forum where it may file a lawsuit if it had a branch, subordinate, or auxiliary office in addition to its head, main, or registered office there. The judgment's summary offers the following guidelines for comprehending the jurisdictional law provisions.

1. Suits under Section 134 of the Trademark Act, 1999 and Section 62 of the Copyright Act, 1957, may be filed in the district where the Company has its major, branch, or registered office, regardless of where the cause of action arose.
2. Any branch or offshoot office before whom the cause of action does not fall would lose their jurisdiction if the cause of action solely arises at the company's principal or registered office. This circumstance was expressly taken into account in the most recent decision.
3. If the cause of action occurs at both the main place of business and a branch office or offices, the plaintiff may choose one of these venues. All other branch offices before whom a cause of action do not really lay would lose their power under these conditions.
4. If the cause of action is only brought before one or more branch offices, the other branch offices would have no power over the case. It is possible to rely on the Supreme Court's decision in Dhoda House[15], which states that there should be some relationship between the "branch office" and the "essential part of the business," or that the branch office within which the cause of action arises must have some correlation to the cause of action.

The general jurisdiction clause in the elaboration of Section 20 of the CPC has recently been read into Section 134(2) of the Trade Marks Act, 1999, and Section 62(2) of the Copyright Act, 1957, with the intention of isolating the location where the plaintiff can be said to carry on business, according to a recent decision by the Delhi High Court in *Ultra Home Construction Pvt Ltd* v *Purushottam Kumar Chaubey and Ors.*[16] The intellectual property laws were never meant to be applied in situations where the plaintiff has its principal place of business in one location and the cause of action also exists there, allowing it to file a lawsuit in a different location where the subordinate office is located, even though there is no cause of action there. According to the Court, such an interpretation would be extremely harmful and would run counter to the fundamental legislative intent behind the laws that had been passed.

The ratio of the aforementioned two judgments permits a derivation that courts in the plaintiff's place of business or residence may be contacted in IPR-related issues. It is argued that the Copyright Act of 1957, the Trade Mark Act of 1999 and Section 20 of the CPC are *pari materia*, (two laws pertaining to the same topic that must be compared to one another).

Indian courts have not addressed the issues of jurisdiction in the context of transnational conflicts; hence they have not addressed the problems with private international law. The sole known instance of a

private international law issue being brought before the Court was in a 1994 ruling in the case of *Phoolan Devi* v *Shekhar Kapoor and Ors*.[17] The petitioner requested a court order prohibiting the exhibition of the film "Bandit Queen" on the grounds that it violated their privacy rights and other rights under Section 57 of the Copyright Act. As international judgments must be related to an actionable matter in the nation where the injunction is sought to be enforced, the defendants argued that Indian courts could not exercise jurisdiction abroad. The Delhi High Court's Division Bench heard an appeal against the injunction decision and discussed the Position on jurisdiction under private international law. The appeals court's ruling in *Suresh Jindal* v *Rizsoli Corriere Delia Sera Prodzioni T.V.S.P. A*.[18] was cited by the appellants argued that although the Supreme Court had determined that it had the authority to impose an injunction against the screening of films outside of India. Recognising the challenges in implementing such directives, Court abstained from issuing such orders. The Court directed the appellants to take favourable action overseas with reference to screening film while allowing them to seek out redress in other nations which may have jurisdiction, extensively quoting from legal opinion and academic opinion. This judgment served as a crucial illustration of how the Indian courts attempted to compel parties to a prescribed course of conduct overseas.

Although the implementation of forum selection clauses (FSC) in intellectual property issues is still debatable, they might offer clarity in transactions and disputes. The American experience supports the conclusion that the FSC has been interpreted primarily in relation to non-contractual claims by focusing on the parties' intentions. Appellate courts, however, haven't established a reliable approach to determining FSC's applicability to non- contractual claims. According to the Supreme Court's ruling in *Modi Entertainment Network* v *W.S.G. Cricket Pte ltd*[19] that a contract's parties may choose to submit to the exclusive or nonexclusive jurisdiction of a foreign "neutral" court. It was made clear that this kind of contract is an exemption to Section 20 CPC, which provides that parties may not give jurisdiction to a court pursuant to the CPC if the court does not otherwise have jurisdiction. Due to the general trend, Indian courts may not recognise the constitutionality of the jurisdiction clause to stray from the idea of territoriality, especially when intellectual property interests were not at stake in this particular case.

Determination of Choice of Law

The basis of rights under dispute when it comes to transnational IPRs seems to be the main issue. It really is standard procedure for courts to have exclusive jurisdiction over cases involving the registration and validity of intellectual property rights within the state in which the registration and depositing were originally made. States give registration following a review of such legal and material requirements by the appropriate authority; any disputes regarding the legality of the registration must be resolved by the State that granted the registration. This justification is founded mostly on the territoriality concept. It is necessary to raise objections with the awarding State's registering authority. Similar like commercial disputes over sale and licence of such rights, transnational issues involving intellectual property infringement are often recognised as torts and are thus subject under standard jurisdictional standards. Each relevant court may discover its location of intellectual property, ownership, content, any rights limits in order to determine that applicable legislation. IPRs are always located in the nation that awarded them, hence violations must be treated as such under that law. The lex Loci principle seems to be the foundation upon which the first holder of intellectual property is determined in the majority of the world's nations. Therefore, for cases involving rights, this *Lex Protection is* concept is used to identify original ownership of the work. In light of the digital world as well as some unregistered rights to intellectual property ALI and CLIP promoted this idea. (Provide citation) As per scholarly opinion, these exclusions must be strengthened, especially in the circumstances with violations made possible by Internet broadcasts. The laws of the country in which the infringement occurred, the author's country of residence, or the country to which the author uploaded the work might all be applicable in cases of cross-border copyright infringement. When it comes to other elements of intellectual property rights, such as choice of law, it is difficult to deviate from territoriality country owing to the existence of the public policy issue.[20]

The abstract nature of the choice of law rules raises the possibility that the multi-step procedure will apply laws that conflict with the public policy of certain States. Because of this, the public policy exception serves as a way for courts to avoid enforcing foreign law where the legislation's substantive substance is sufficiently unacceptable. The public policy exception may relate to moral and just principles, such as human rights, or it may reflect an approach to the allowable

scope of IP protection, such as to what is considered a patentable invention (for example, isolated human genes), or it may reflect a national policy on scientific research and creative activity. If a public policy exception applies, the court will disregard the choice of law rules and apply the law that is most appropriate under the circumstances.[21]

It is important to note that each country has its own unique system for striking a balance between IP and public policy concerns, and that this system is itself vulnerable to political, economic, and social shifts. A judge's interpretation of these considerations in light of the particulars of the case may change as a result.

Recognition and Enforcement of Foreign Intellectual Property Judgments in India

There are other challenges involved in the trans-border recognition and implementation of judgments that are not specific to situations involving intellectual property. Despite international treaties' efforts to harmonise laws on intellectual property rights, this issue still exists. The Brussels Convention governed the contracting nations' jurisdiction as well as their acceptance and implementation of foreign judgments inside the European Union. It ensured that a separate set of jurisdictional laws applied to conflicts involving intellectual property. The Brussels Regulation has taken the role of the Brussels Convention, although the rules leading the enforcement and recognition of overseas judgments remain the same.

The Regulation's concept of exclusivity, which is particularly relevant in cases involving intellectual property, is one of the reasons for the rejection of recognition. The State where the contested IPR has been awarded is given sole jurisdiction. Arguments based on public policy are frequently used to contest judgment. It is a significant exemption for the execution of a decision obtained abroad. Academic opinion has favoured applying a narrow interpretation of the public policy to problems involving intellectual property. Many nations, including the European Union, for instance, execute foreign judgments through obligations resulting from membership in multilateral accords. However, India has only ratified a small number of them, including the Warsaw Convention (as revised in 1955, by the Hague Convention) and the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (hereafter, the NYC). India is not a signatory to the "Hague convention on private international law"[22], which formalised guidelines for the enforcement and recognition of judgments. The CPC and the Arbitration Act of 1996, both local pieces of legislation, are used in India to enforce international decisions. The CPC is regarded as the primary piece of law for enforcing foreign judgments. The legislation regarding the implementation of a foreign court order is outlined in Sections 13[23], 14[24], and 44A[25]. Indian courts have not released any official statements regarding the recognition and enforcement of foreign intellectual property judgments.

In conflicts involving IPRs, the current jurisdictional framework prevents effective dispute settlement and order execution. However, there are some creative ideas. A few recommendations for the execution of foreign judgments were provided by the court in the German case of Keg Technologies Inc. v. Reinhart Lainer[26], which dealt with the recognition and enforcement of a US decision in a matter involving patent infringement. A reciprocity agreement can be a worthwhile choice. If there is any public policy blot, the concept of severability may also be used to enforce the portions of the foreign judgment that are legal and enforceable.[27]

Soft Law Initiatives in this Aspect

The HCCH Principles on Choice of Law in International Commercial Contracts (2015) are one example of a non-binding framework that addresses IP and PIL (HCCH Principles). The principles provide a complete framework that may be used to create, modify, or interpret choice of law regimes on a national, regional, or international level.[28] They support party autonomy by giving effect to the choice of law governing contractual relationships made by the parties to a business transaction. Agreements involving the transfer or licencing of intellectual property across international borders often include a provision for the parties to choose the law under which the agreement will be governed.

Analysing the Scope of Arbitration IPR Issues

Time and money may be saved, as well as confidentiality and long-term commercial connections, *via* IP arbitration. Given the massive backlog of pending court cases in India,arbitration will be of great use there.

However, public policy in a nation will determine whether or not a particular issue may be settled by arbitration. *The Booz-Allen & Hamilton Inc* v *SBI Home Finance Ltd. & Ors* (2015) and the *A. Ayyasamy* v *A. Paramasivam & Ors.* (2016) both set out tests for determining whether or not a dispute is amenable to arbitration in India. Both of these criteria demonstrate

that a dispute's arbitrability is determined by whether or not the claim at issue is in rem or statutory. Arbitrability of intellectual property issues should also be governed by this premise. Commercial arbitration is progressively emerging as an alternative to hostile methods of dispute resolution like litigation due to the challenges associated with enforcing foreign judgments, particularly when parties are from different jurisdictions and potential conflict of laws issues arise. IPR-related conflicts are increasingly being resolved through arbitration, which is a confidential and private process. The arbitration rules of the World Intellectual Property Organization Arbitration and Mediation Centre were updated in 2014. In India, IPR-related disputes cannot be arbitrated as it is considered non-arbitrable business problems. In the case of *Euro Kids International Private Limited* v *Bhaskar Vidhyapeeth Shikshan Sanstha*[29], the Bombay High Court ruled that arbitration cannot be utilised to settle a dispute involving the infringement of intellectual property rights since the case no longer includes the exercise of a right in rem. Intellectual property issues may be arbitrated, including those that pertain to the economic aspects of the contract (such as licencing terms, assignment provisions, etc.). The Rajasthan High Court ruled in the case of *Chokhi Dhani Resorts Private Limited* v *Essem Recreation* that "any disagreement or dispute between the parties arising out of or related to the meaning, construction, operation, scope or effect of the contract is arbitrable in nature". [30]

Conclusion

While it is intriguing to explore if there may be a universally accepted set of private international law principles governing intellectual property, it is equally important to make sure that this global standard will not allow room for individual nations to create their own laws.

Concerns concerning enforcement, in particular, demonstrate a lack of knowledge in Indian discussions of intellectual property rights (IPR) that include cross-border concerns. Childress argued that the prevalence of conflicts of laws in the United States might be mitigated by the adoption of the idea of comity, which allows the courts of one nation to apply the laws of another country. The Indian judicial system has not yet recognised this concept, which has its roots in the seventeenth century and the rise of the modern European state.

Even though no IP-related issues have been settled by the application of international laws such as general principles or customary international law shared by legal systems, hypothetically, one may infer that the cross- border IPR-related issues could be resolved by combination of legislative and judicial interpretation. Commercial arbitration is rapidly emerging as a substitute for resolving IP-related issues due to the challenges in implementing foreign decisions in transnational intellectual property disputes. There are certain unique aspects of intellectual property conflicts that arbitration may be able to address more effectively than judicial action. As it becomes more and more clear that the local laws or principles are of little assistance in figuring out who is the owner of intellectual property rights, disputes involving licencing and assignments could be settled through arbitration without involving complicated questions of private international law. IPRs are now acknowledged to be arbitrable, just like any other private rights, contrary to past perceptions that they couldn't be arbitrated since they were issued by the national government. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, talks about how the award of the tribunal court is enforceable throughout many jurisdictions/countries globally as a judgment of the court of that jurisdiction/country, which significantly increases the usefulness of arbitration like a dispute resolution mechanism in intellectual property-related disputes. As arbitration is grounded as per the agreement of party, much like a settlement, due to the contractual nature of arbitration, any decision made will solely have an impact on the parties concerned and will not have any bearing on third parties.

By maintaining the power to arbitrate contractual rights, the stance on arbitrability strikes a fair balance between inventor/author and public interests, with courts maintaining jurisdiction for disputes that harm the public at large. Effective operation of the IP regime requires such a balance. Having a simple way to resolve disputes might encourage more people to submit patents. The public's right to utilise copyrighted works and patented innovations would be protected, along with the public interest, if the courts retained jurisdiction over such disputes.

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