

# Seminar on Specialized Intellectual Property Rights Courts

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# Introduction to Specialized IPR Courts and the Study

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## Description of the study

# Purpose of study

Identify  
countries  
that  
established IP  
courts

The  
advantages of  
having IP  
courts

The  
disadvantages  
of IP Courts

# Countries surveyed

- 90 countries surveyed
- 5 different region:-
- 1. Sub-Saharan Africa
- -  
Eritrea, Malawi, Mauritius, Mozambique, Rwanda, Sudan, Tanzania, Uganda, Zimbabwe
- 2. Asia
- - Australia, Azerbaijan, Bhutan, Cambodia, China, Hong Kong, Indonesia, India, Iran, Japan, New Zealand, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, Tajikistan, Uzbekistan

# Countries surveyed

- 3. America
  - -Antigua and Barbuda, Bahamas, Barbados, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador,
  - El Salvador, Guatemala, Guyana, Jamaica, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Eastern Caribbean
- 4. Europe
  - -Armenia, Austria, Belgium, Belarus, Croatia, Czech Republic, Finland, France, Germany, Hungary, Italy, Iceland, Ireland,
  - Lithuania, Luxembourg, Former Yugoslav Republic of Macedonia, Norway, Romania, Slovakia, Slovenia, Russia, Sweden,
  - Switzerland

# Countries surveyed

- Middle East and Northern Africa :-
- Egypt, Iraq, Israel, Jordan, Morocco, South Arabia, Syria and United Arab Emirates
- Detailed write up on the following countries :-
- Andean Community, Greece, Malaysia, Mexico, Kenya, South Africa, Thailand, United Kingdom and United States of America

# Specialized Intellectual Property Courts

1. Body/ courts that hears disputes between owner and administrator of such rights ( IP Office)

2. Body/ Courts that determined disputes between IP owners and infringers

# Various nomenclatures

Specialized  
Intellectual  
property courts

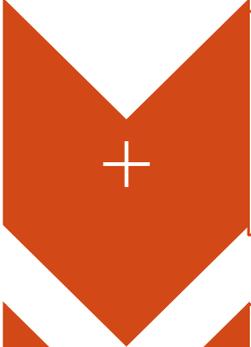
Intellectual  
Property and  
International Trade  
Courts

Designated  
Specialized  
Intellectual  
Property Division

Intellectual  
Property Tribunals

Judges with  
Technical Expertise

# The Findings



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- The positive outcomes



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- The negatives aspect



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- The suggested best practices as guidelines towards
- establishing specialized intellectual property courts

# The positives outcomes of a specialized intellectual property courts

- 1. Creation of subject matter expert
- 2. Effectiveness of decision
- 3. Ability to create special court procedures to enhance courts efficiency
- 4. Consistency of decision or outcome
- 5. Creation of a corpus of specialized lawyers
- 6. Enhancing the image of the countries

# The negatives impact of a specialized intellectual property courts

- 1. The costs of maintaining specialized intellectual property courts
- 2. Not enough cases or litigation in intellectual property
- 3. Not enough judges trained in intellectual property
- 4. Inaccessibility
- 5. Overfamiliarity
- 6. Tunnel vision

# Best practices as guidelines

- 1. The jurisdiction issues of the court
- 2. The competencies of the judges
- 3. The training of the judges
- 4. The career development of the judges
- 5. Providing assessor or expert guidance for technical issues
- 6. Having adequate supporting mechanism from those involved in enforcement of IPR ( Police, Customs)
- 7. Minimizing cost implication

# Conclusion

- Specialized intellectual property are able to provide efficient case management of an intellectual property disputes.

- Thank you