

Christophe Caron, “Wrongful Infringement Proceedings”, April 2019

Sometimes wrongful infringement proceedings are initiated, such as those concerning patent trolls in patent law. Looking at European Union and French law, positive law and also prospective law, this study aims to present the concepts that enable or could enable to counter these wrongful infringement proceedings that tarnish the image of intellectual property. The study concludes that the phenomenon of patent trolls is a reality and can also be illustrated, in a more or less different form, in other areas of intellectual property law. Admittedly, to this day, decisions are not widespread in France but this may change with time, the study points out. This is why it is appropriate to consider how to counter this trend, which cannot be followed. The purpose of this article is precisely to bring some ideas to the discussion and to trigger some reflection in order to discourage the use of wrongful infringement proceedings.