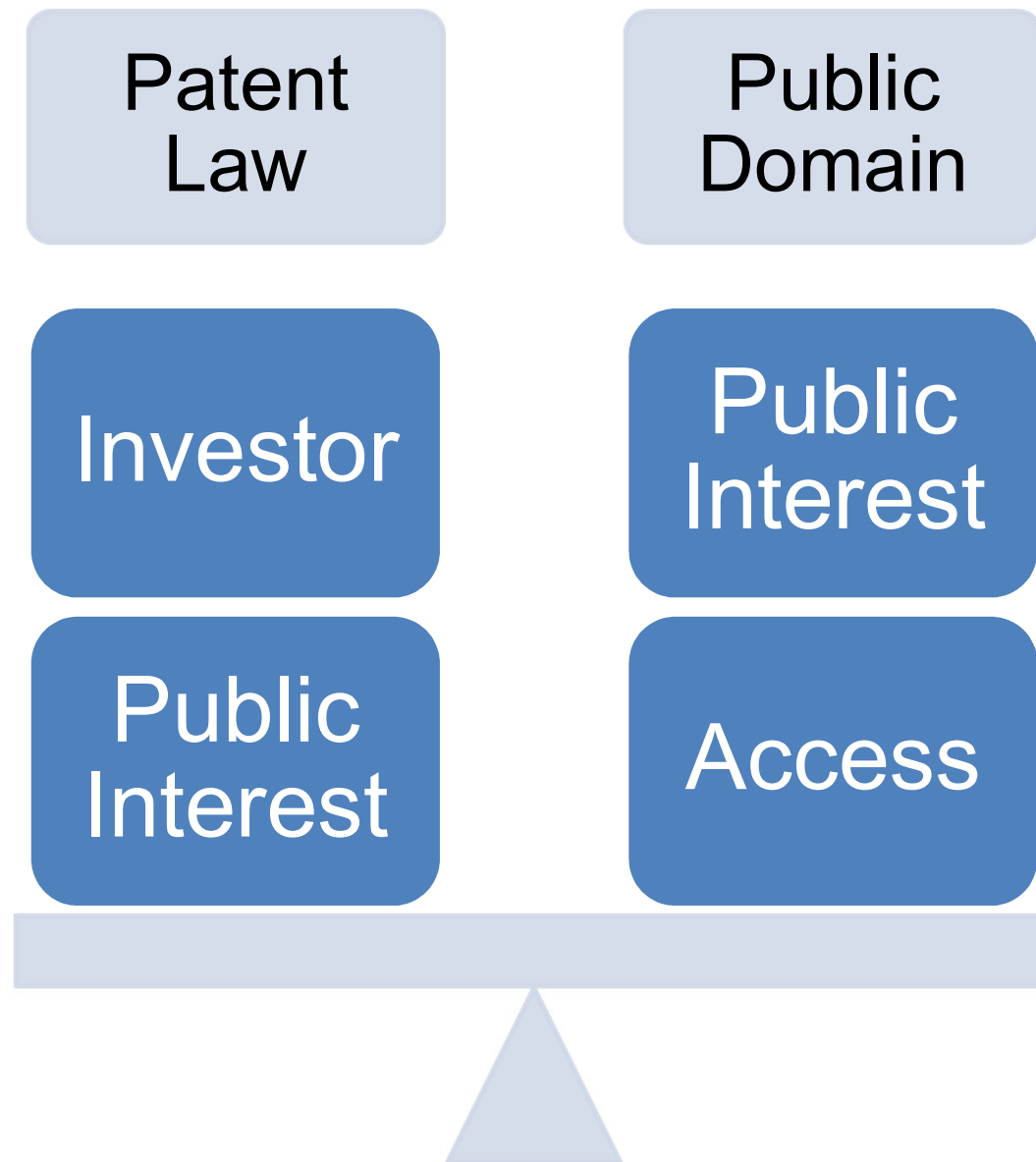


BALANCING INTERESTS VIA REMEDIES

Prof. Dr. Franz Hofmann, LL.M. (Cambridge)



A. BALANCING INTERESTS IN IP LAW

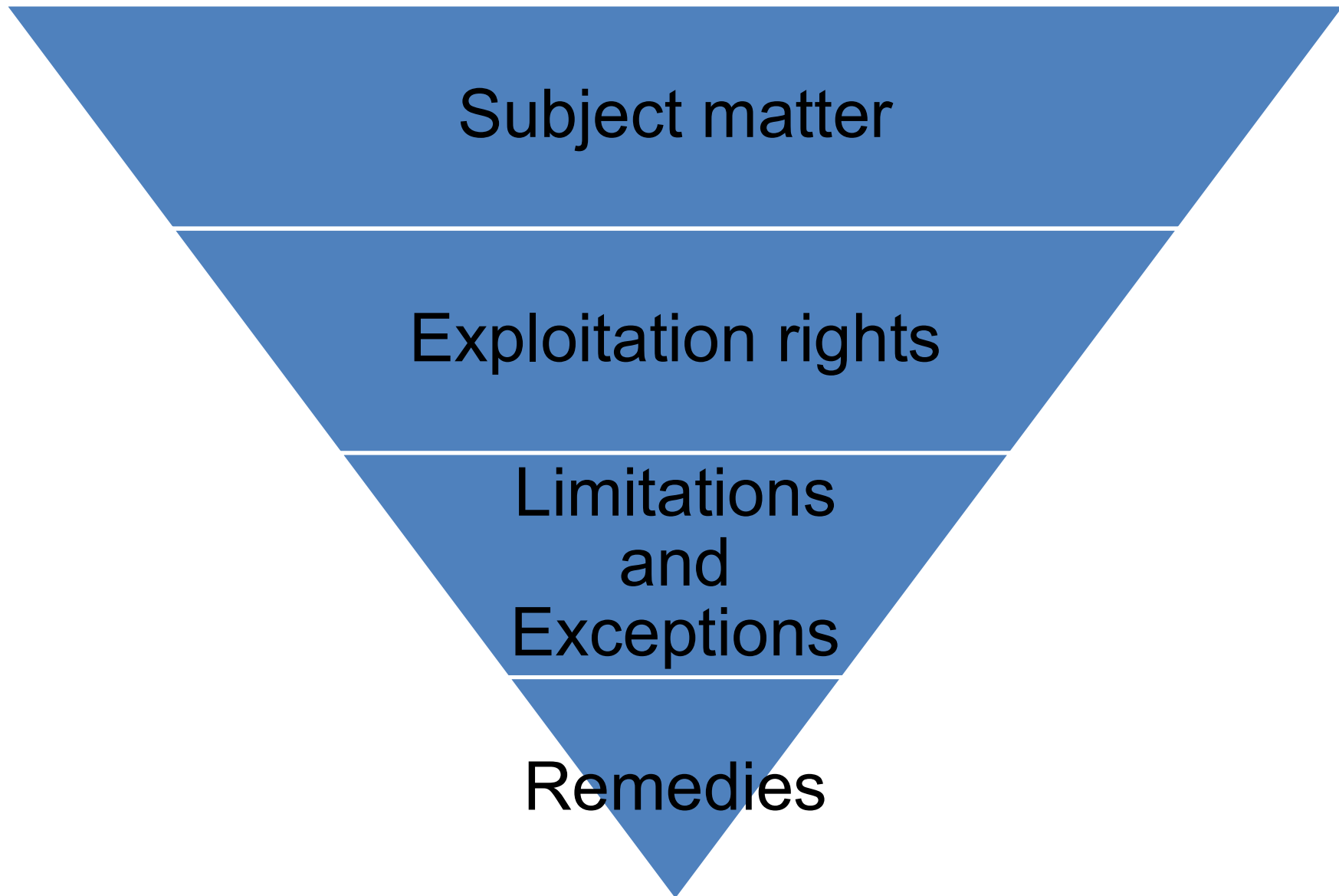


B. TOOLS FOR BALANCING

Balancing of interests

- Macro-level analysis
- Micro-level analysis

B. TOOLS FOR BALANCING

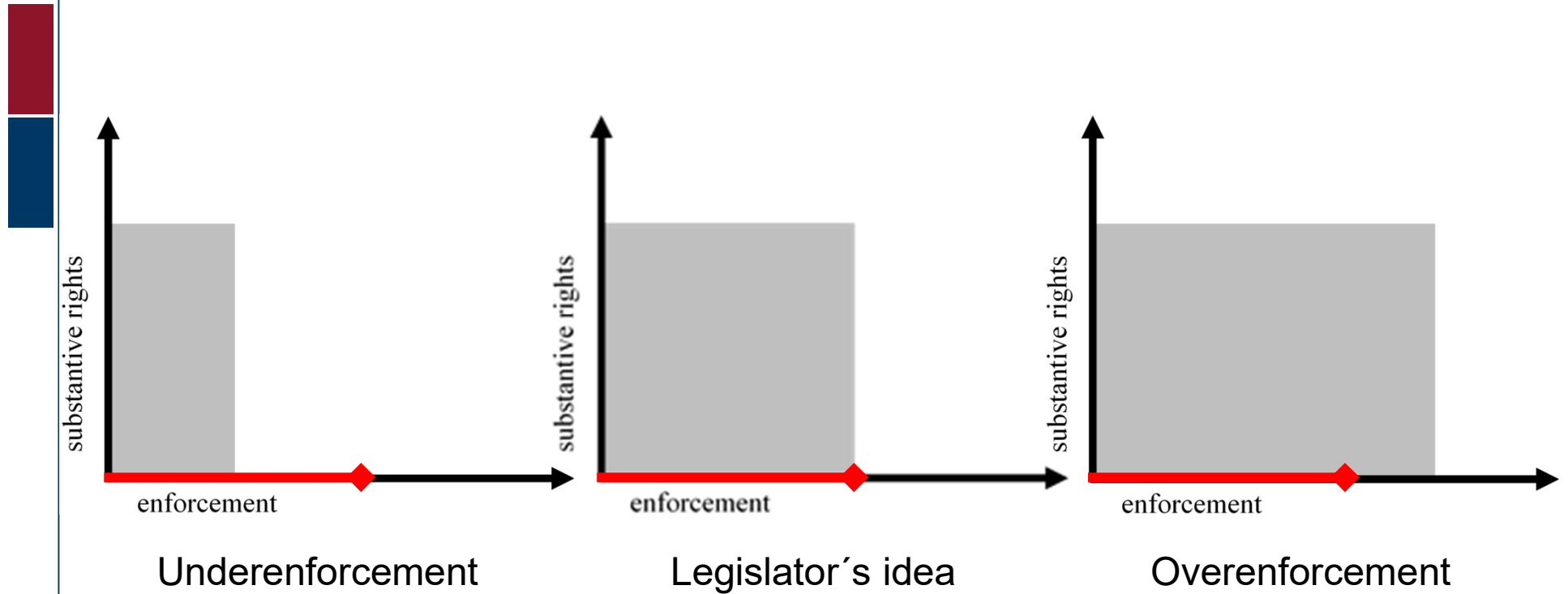


C. BALANCING VIA REMEDIES

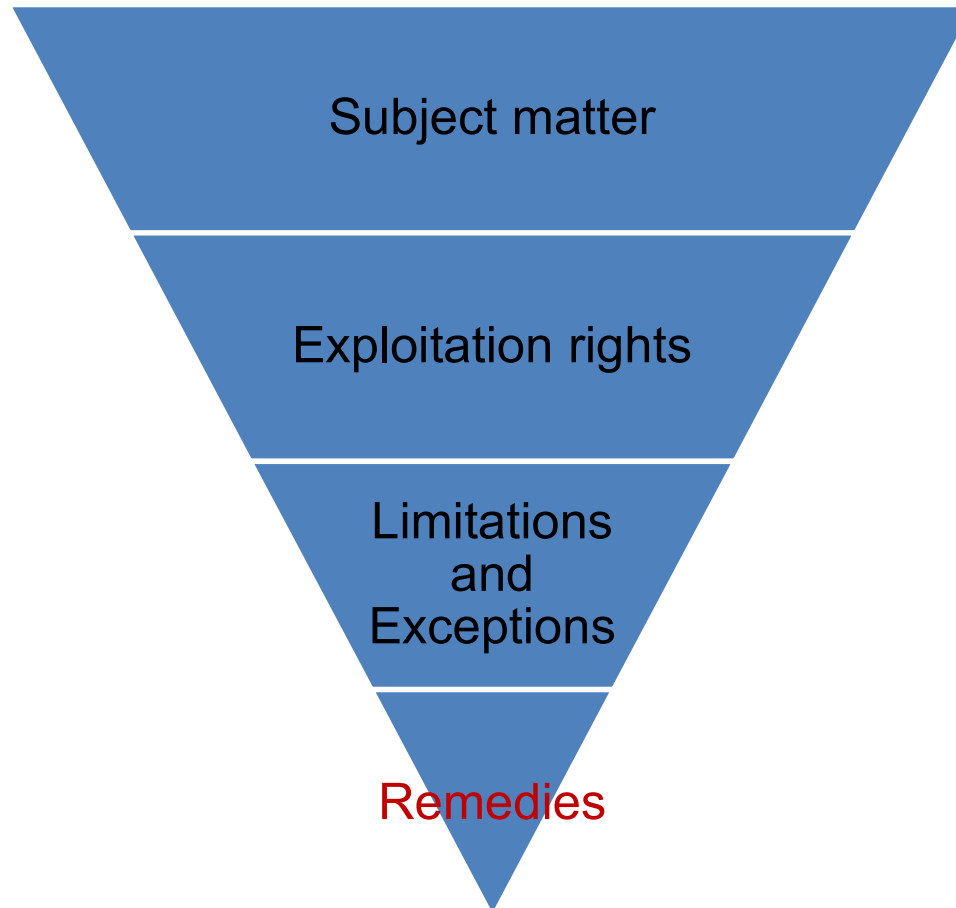


LAW

C. BALANCING VIA REMEDIES



C. BALANCING VIA REMEDIES



Features

- “fine-tuning”
- legislator/judiciary
- general considerations vs. considerations concerning the facts of individual cases
- “sophisticated enforcement”
- individual hardship

D. CONCLUSION

„Remedies [...] need to be taken seriously. They should not be viewed simply as a legal by-product of the legal system’s determination that an infringement has taken place, but rather as a complimentary means for implementing policy” (Fischman Afori, 29 Cardozo Arts & Entertainment Law Journal (2011), 1, 3 f.)

LET'S GET STARTED!

Enforcing Patents Smoothly: From Automatic Injunctions to Proportionate Remedies

22.3.2019



THANK YOU!

