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ACTAVIS V ELI LILLY - SHOULD WE HAVE SEEN IT COMING?

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The UK Supreme Court's 12 July 2017 judgment in Actavis v Eli Lilly is undoubtedly a landmark decision, re-steering UK law regarding patent infringement by introducing a doctrine of equivalents.

But a systematic review of the law in this area over the last two decades shows that the writing has long been on the wall, so to speak. Lord Neuberger's first instance judgment in the Kirin-Amgen case, as long ago as 2001, is particularly illuminative.

When seeking to understand how the courts will interpret Lord Neuberger's Actavis v Eli Lilly judgment, the best informed will understand what has come before, and why. To help condense this understanding, we have prepared an article looking at the evolution of the law in this area, and considering the light it throws on the likely path of the jurisprudence from here.

Actavis v Eli Lilly - Should We Have Seen It Coming? is the first in a series of analysis pieces that we are publishing considering the implications of the Supreme Court's judgment - but the rest will be shorter than this one! We will be looking at the judgment from all angles, including the international reach of the decision and some unlikely parallels with trademark law. Watch this space!

Related Intellectual Property

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