CIPIL SPRING CONFERENCE 2026

ABUSE OF INTELLECTUAL PROPERTY RIGHTS
Saturday, March 21, 2026

Chair: Lord Justice Richard Arnold

In *Crypto Open Patent Alliance v Wright* [2024] EWHC 1809 (Ch), [63], Mellor J. observed

> "IP rights, being monopolies of various sorts, are … justified in that their net benefit is in the public interest, with a view to fostering creativity and innovation. By corollary, where IP rights are abused to stifle creativity and innovation, the legal system ought to have the means to respond effectively."

The statement raises three questions which are the subject of this conference: (i) when are IP rights to be regarded as "abused"? (ii) What mechanisms exist to respond to such abuses? And (iii) Does the legal system have sufficient mechanisms by which to "respond effectively"?

Programme

10:00-11:30 - ABUSES
Abuses of Trade Marks
Stuart Baran *(3 New Square)*

Abuses of Designs
David Stone *(White & Case)*

Abuse in FRAND Patent Litigation
Daniel Alexander KC *(8 New Square)*

12:00-13:00 - CURRENT DISINCENTIVES AND REMEDIES
Remedies for Abuses: Actions for Threats
Trevor Cook *(Bird and Bird)*

Preventing Misuse of Interim Injunctions: The Cross-Undertaking
Dr Katarina Foss-Solbrekk *(University of Copenhagen)*

13:00-14:00 - LUNCH

14:00-15:00 - CURRENT DISINCENTIVES AND REMEDIES (CONTINUED)
Remedies for Abuses: The Role and Limits of Competition Law to Prevent Enforcement of Invalid IPRs
Dr Quentin Schaefer *(11 South Square)*

Preventing Abuses: Ethical Obligations of Patent and Trade Mark Attorneys
Speaker TBC

15:00-15:30 - COFFEE

15:30-17:00 - COMPARATIVE EXPERIENCE AND POTENTIAL REFORM
Does the UK Need a Distinct Doctrine of Abuse of Right? – Lessons from the Civil Law
Dr Amandine Leonard *(University of Edinburgh)*

Abuse of IP Rights. Lessons from the United States?
Professor Leah Grinwald *(Dean and Richard J. Morgan Professor of Law, University of Nevada)*