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JIPLP: Should non-specialist judges decide patent law cases?

The Journal of Intellectual Property Law and Practice has published an article by partner Darren Smyth which questions whether non-specialist judges should decide patent law cases in the Supreme Courts.

This article considers recent patent decisions from the Supreme Courts of the United States of America, India and the United Kingdom, and identifies the common theme that they display surprising lack of appreciation of basic tenets of patent law or, in some cases, of the practical realities of the patent system. The issue appears to be general in nature, irrespective of jurisdiction, and inherent to systems where superior courts are generalist in nature and lack patent specialists.

It is then questioned whether judges who have not trained in this field can plausibly be entrusted with guiding the development of the jurisprudence of patent law. It is proposed that superior courts should be supplemented with judges having patent experience.

To read the JIPLP article in full, click [here](#).