



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)

www.competitionlawassociation.org.uk

GOLDING ESSAY PRIZE 2014

The CLA is offering a prize of £1000 to be awarded for an essay submitted by a student, trainee solicitor, pupil barrister, devil barrister (from Scotland) or trainee patent and trade mark attorney on the following topic:

To what extent should Courts take jurisdiction over infringement of foreign IP rights?

*In a number of recent decisions the courts have held that claims under foreign IP rights are justiciable in the national courts. For example, in *Lucasfilm v Ainsworth* [2011] UKSC 39 the Supreme Court held that acts of copyright infringement in a non-EU country under foreign copyrights can be determined by the English courts. Similarly in *Actavis v Eli Lilly* [2013] EWCA Civ 517, the Court of Appeal confirmed that the English courts have jurisdiction to hear claims for declarations of non-infringement in relation to foreign designations of European patents where there is no challenge to validity. Similarly, in *C-616/10 Solvay v Honeywell* [2012] ECR I-0000 the ECJ supported the Dutch courts' willingness to grant preliminary injunctions to prevent the infringement of foreign patents. But is this expansionist approach correct as a matter of policy, when should foreign IP rights be enforced, and how should courts approach the interface between substantive and procedural law including foreign approaches to calculating damages for infringement?*

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The essay shall be of a maximum length of 5000 words (inclusive of footnotes) and the closing date for submission of entries is 30 April 2014. Entries should be formatted on A4 in at least 11 point font and 1.5 spacing with footnotes at the bottom of the page, and submitted in electronic form to the CLA secretary, Sharon Horwitz at sharon.horwitz@ofcom.org.uk.

Entrants should please place a codeword instead of their real name on the essay and include both the codeword and real name, with confirmation that the author satisfies the entry qualifications, in the covering e-mail.

Those already qualified as lawyers whether in the United Kingdom or a foreign jurisdiction are not eligible for the prize and the entry qualifications apply as at 30 April 2014.

The panel of judges will be:

Nicholas Saunders (Chairman)	Brick Court Chambers
Seamus Andrew	SC Andrew LLP
Paul Torremans	Nottingham University

The decision of the judges is final and the CLA reserves the right not to award the prize if the judges consider that no entry is of a sufficiently high standard or to divide the prize between two or more entries if the judges so decide.

The CLA encourages all entrants to consider submitting their entries for publication, and may lend support to the submission of the winning entry. The winning entry must only be published if it is identified on publication as having won the CLA's Golding Essay Prize. All entrants agree not to submit their entries for publication until after the judges have announced their decision.

With kind regards

Sharon Horwitz
Secretary

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