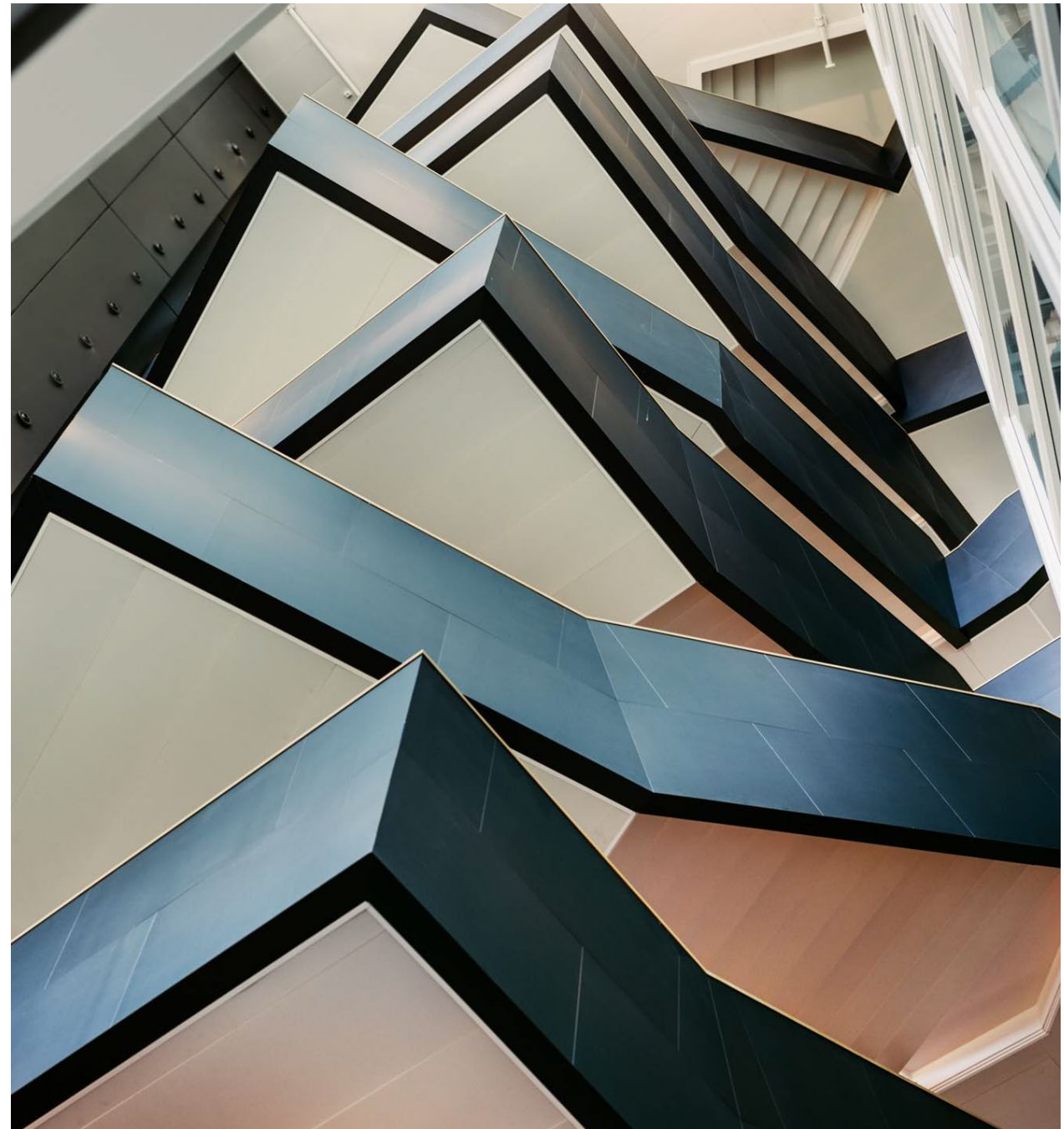


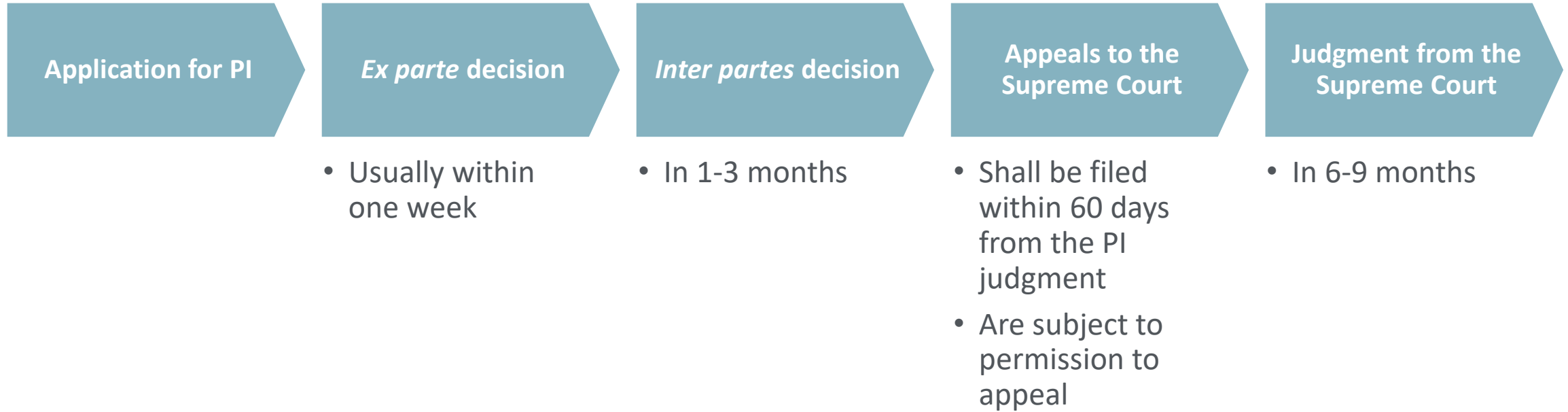
# Preliminary injunctions in IP cases in the Nordic countries

## XXXV NIR Meeting 2022, Oslo

- Moderator: Rainer Hilli, Roschier (FI)
- Panel:
  - Ingeborg Simonsson, the Patent and Market Court of Appeal at Svea Court of Appeal (SE)
  - Camilla Vislie, Thommessen (NO)
  - Klaus Ewald Madsen, Bech-Bruun (DK)



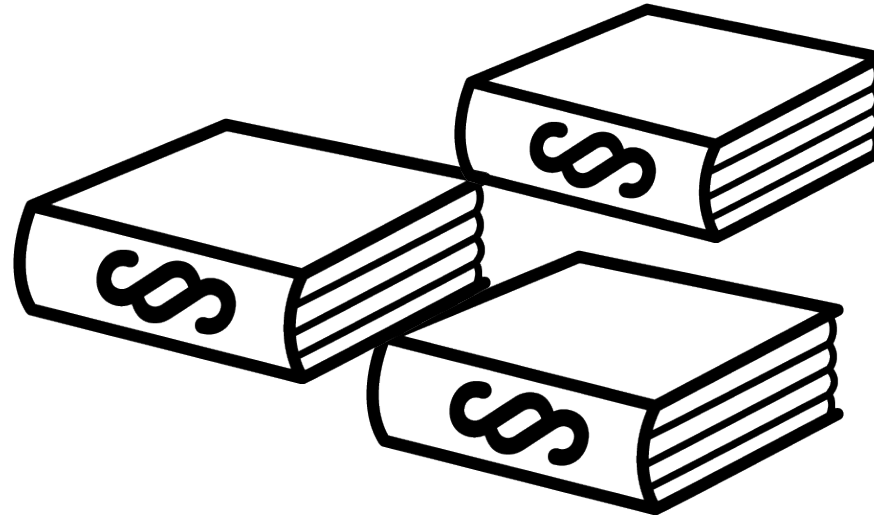
# Timeline for PI proceedings (Finland)



# Conditions

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- Claim requirement (including the validity consideration)
- Danger requirement
- Comparison of interests



# Burden of proof

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**Infringement**

**Validity /  
Existence of right**

**(Supreme Court  
KKO:2019:34)**

**Pre-grant**

**(Market Court  
MAO 142/2022)**

# Use of experts

- Expert reports are commonly used
- No oral hearing



# Impact of foreign rulings

- Market Court, MAO 827/17 *Eli Lilly v. Actavis (pemetrexed)*
- Market Court, MAO 20207/2021 and MAO 20289/2021 *Bayer v. Stada (sorafenib)*



# Enforcement of PIs



- The Bailiff's office handles the enforcement of a PI
- The Bailiff sets the amount of a security
- The security of deposited with the Bailiff

# Liability for damages

- No rulings after the CJEU Bayer/Richter C-688/17 case
- Referral by the Market Court to the CJEU on 14 July 2022 (Mylan v. Gilead)
  - *"Is strict liability in compliance with Article 9(7) of the Enforcement Directive?"*





A blurred background image showing three people in business attire. On the left, a woman with blonde hair is wearing a green top. In the center, a man is wearing a dark suit. On the right, another man is wearing a dark suit and a tie. The background is out of focus, suggesting an office or professional setting.

ROSCHIER