

IP Hotline

May 10, 2019

PRE-INSTITUTION MEDIATION UNDER THE INDIAN COMMERCIAL COURTS ACT: A STRATEGIC ADVANTAGE

This article was originally published on 04th May, 2019 in¹



The 2018 amendment to the Indian Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (“Act”) has made it mandatory for a party filing a suit under the Act (a “commercial dispute”, as referred to under the Act) to first initiate mediation proceedings with the opposite party unless claiming urgent relief in the suit. Since patent infringement actions fall within the definition of a “commercial dispute” under the Act, a patentee moving against infringers in India is now obligated to initiate mediation before filing an infringement suit when no application for urgent relief is filed along with the suit. The time bound mediation procedure introduced in the Act will allow a patentee to not only bring a possible infringer to negotiation table under the threat of future litigation but also allow patentees to resolve disputes in a timely manner by avoiding long-drawn litigation in Indian courts. The article examines how patentees can strategically use this mediation process to their advantage.

For the complete article, please click [here](#).

– [Aparna Gaur](#) & [Aarushi Jain](#)

You can direct your queries or comments to the authors

¹www.ipwatchdog.com/2019/05/04/pre-institution-mediation-indian-commercial-courts-act-strategic-advantage/id=108918/

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

New Age of Franchising

June 20, 2025

Life Sciences 2025

June 11, 2025

The Tour d'Horizon of Data Law Implications of Digital Twins

May 29, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Audio

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against “Unfiltered” Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here to view Hotline archives.](#)

Video

Vyapak Desai speaking on the danger of deepfakes | Legally Speaking with Tarun Nangia | NewsX

April 01, 2025

**SIAC 2025 Rules: Key changes &
Implications**

February 18, 2025
