SINGNIFICANCE OF MONETARY DAMAGE AWARDS IN INTELLECTUAL PROPERTY CASES: IN INDIA AND INTERNATIONAL DOMAIN

A THESIS

SUBMITTED TO THE

STANFORD PROGRAM IN INTERNATIONAL LEGAL STUDIES

AT THE STANFORD LAW SCHOOL,

STANFORD UNIVERSITY

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS

FOR THE DEGREE OF

MASTER OF THE SCIENCE OF LAW

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May 2003

Abstract

Monetary damage awards play an important role in the enforcement of Intellectual Property Rights around the world. They are a core element of the legal remedies available to a litigant in any kind of dispute. In the context of Intellectual Property (IP), they hold specific relevance, because of the changing nature of IP from being an intangible good to an intangible asset. Enforcement processes are key to the harmonizing process under the TRIPS agreement, which attempts to organize the members under its umbrella, with respect to the protection and enforcement of IP.

By examining the monetary damage awards for Intellectual Property in India, I have tried to present a viewpoint of the problems faced by a developing country with regard to enforcement of IP. Comparisons have been made between the Indian and American court systems to identify some of the reasons for these developments.

The data gathered includes opinions of IP Professionals and analyses of court judgments. These help to highlight domestic and international discrepancies in relation to the damage assessment procedures. The inferences drawn illuminate those aspects that require domestic and international adjustments to build a global IP regime.

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