

PATENT INFRINGEMENT

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Once you have registered a patent over your invention you have a right. A patentee can institute court proceedings against any person who infringes the patent by using it, without such patentee's consent or authorisation.

A patentee can seek the following reliefs:

- an interdict
- delivery or destruction of any infringing product
- damages
- an account of the profits derived from the infringement.

Case in Point Apple Inc. vs Samsung Elecs. Co.



In 2007 before the announcement of the iPhone, Apple inc. filed applications for four design patents covering

the shape of the iPhone. Further, Apple filed colour design patents covering

more than 100 screenshots of some iPhone graphical user interfaces.

Apple sued Samsung in 2011 and filed a complaint with the United States District Court for the Northern District of California, alleging that several of Samsung's Android phones and tablets, including the Nexus S, Epic 4G, Galaxy S 4G, and the Samsung Galaxy Tab, infringed on Apple's patents, trademarks, user interface and styles. One of the claims was, for purposes of this article, patent infringement. They alleged that such infringement unjustly enriched Samsung.

After jury trials in 2012 and 2014, it was found that Samsung infringed on Apple's patents and Apple was awarded damages in the value of \$399 million being Samsung's entire profits that Samsung made from its infringing smartphones.

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