

Third Preliminary Draft of the CLIP Principles

The European Max-Planck Group for Conflict of Laws in Intellectual Property has recently published the Third Draft of their Principles for Conflict of Laws in Intellectual Property, which is available for download [here](#). This version contains amended and supplemented rules contained in the First Draft of April 2009 (reported [here](#)), and the Second Draft of June 2009. The initial rules were exposed to the scrutiny of the scholars and practitioners outside the Group and the Third Draft is partially the result thereof.

Compared to the Second Draft, the Third Draft introduces changes, some just redrafts and some more substantial modifications, with respect to following issues:

Scope

General jurisdiction

Jurisdiction for infringements

Jurisdiction for multiple defendants

Jurisdiction for declaratory actions

Jurisdiction for preliminary and protective measures

General provisions on jurisdiction

Scope of injunction

Cooperation in multistate proceedings

Congruent and preliminary proceedings

Law applicable in the absence of choice

Law applicable to security interests in IP

Law applicable to ubiquitous infringements

General rule on recognition and enforcement

It is interesting to note that the Group is having profound doubts as to the choice of the choice-of-law rules for security interests in IPRs, and three versions are currently being considered.

The CLIP website still contains the invitation for all to make

suggestions or advance critical remarks to the members of the Group. However, any such comments wishing to have an effect on the text of the Principles would probably be appreciated sooner rather than later since the Group has announced the plan to publish the final version of the Principles together with comments in 2011.