

Christian Osterrieth, “Technological Progress: A Challenge for Patent Law? The Principle of Proportionality Applied to Injunctive Relief in Patent Law”, 2018

Technological progress brings about not only the development of individual innovative products but also, supported by digitisation (e.g. Industry 4.0, the internet of things, artificial intelligence), cross-linked products and processes of high complexity and inter-operability. Faced with such complex systems, asserted patents often confine themselves to addressing only a single component. In order to avoid undue hardships in the legal enforcement of such patents, processes of weighing interests and examining proportionality on a case-by-case basis may well be in order, since the granting of “over-compensation” may cause the patent system to adversely affect technological progress.