



Exploring Expert Evidence in Patent Matters

Thought Leadership • July 3, 2017

Pravin Anand and Prachi Agarwal talk about the guidelines issued by the Delhi High Court regarding procedures in patent matters that involve technical expert witnesses. Patent matters are highly technical in nature, relating to new inventions in various scientific and technical fields, so the opinions of experts in these fields, whose testimony is trustworthy, reliable and supported by documents, becomes crucial. In two recent Indian patent cases where the final arguments were heard after a fully-fledged trial, the courts emphasized the importance of expert testimony in patent matters to adjudicate upon the issue of patentability of the invention and to prove infringement. Expert evidence is required in matters that are outside the knowledge and experience of the layperson, and the scientific question involved is assumed to be not within the court's knowledge. As has also been pointed out by the Apex Court in India, "where the science involved is highly specialized and perhaps even esoteric, the central role of an expert cannot be disputed". Read more on [Asia Business Law Journal](#).

