



Anton Piller Orders: Safeguards to Prevent Excesses

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Anton Piller orders, a strategy devised by English Courts to prevent situations where the defendants might destroy evidence upon becoming aware of impending legal actions, are amongst the most potent weapons available in a plaintiff's arsenal. An Anton Pillar order is a form of an ex parte interlocutory injunction which authorizes the plaintiff to enter and inspect the defendants' premises and seize infringing goods and documents. These orders are generally awarded in trademark and copyright cases and also cases involving theft of trade secrets and confidential information. The first reported use of such an order was made in 1975 in EMI v. Pandit, to protect offending evidence from being destroyed. These orders gained recognition and popularity after the well-renowned case of Anton Piller KG v. Manufacturing Process in 1976 when Lord Denning and Lord Ormond laid down the foundational standards and requirements of such an order. The following three-step test for the grant of such orders was laid down by Ormond: 1) There must be an extremely strong prima-facie case; 2) The damage, potential or actual, must be very serious for the applicant; 3) There must be clear evidence that the defendants have in their possession incriminating documents or things, and that there exists a real possibility that they may destroy such material if notice is given to them.

Authored by Dhruv Anand and Udit M. Patro. This article was published in [Asia IP](#) 2015.

