



Resolution of the Executive Committee, Naples, Italy

13 and 16 October 2025

“Principles for Preliminary Injunctions”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee at the World Congress held in Naples, Italy, 13 to 17 October 2025, passed the following resolution:

NOTING that TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights) requires, inter alia, countries to provide for the grant of preliminary injunctions “to prevent an infringement of any intellectual property right from occurring, and in particular to prevent the entry into the channels of commerce in their jurisdiction of goods”;

OBSERVING that the availability of such preliminary injunctions and the conditions under which they are granted vary globally;

URGES countries to review the availability of preliminary injunctions in their jurisdiction where IP rights are suspected of being infringed against the following principles:

1. **Balanced Access** – Preliminary Injunctions should be available to the holders of IP rights facing imminent harm, but only under strict conditions ensuring fairness;
2. **Proportionality** - Courts should assess the proportional impact on both parties before granting a Preliminary Injunction;
3. **Applicant Liability** - Applicants for a Preliminary Injunction should bear responsibility for damages if the Preliminary Injunction is later found unjustified, with liability models tailored to jurisdictional norms;
4. **Defendant Safeguards** – Defendants, including potential defendants, against a Preliminary Injunction should have access to compensation, procedural remedies, and protective measures;
5. **Transparency and Predictability** - Clear procedural rules should govern the issuance, challenge, and revocation of Preliminary Injunctions;

FURTHER URGES countries to engage in international efforts to harmonise Preliminary Injunction standards, especially in cross-border Intellectual Property disputes.

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