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Iran
Patent Litigation

Contributor

HENGAM Law Firm

Shahnoosh Haeri

Managing Partner | info@hengamlaw.com

Sadegh Shamshiri

Head of Litigation | shamshiri@hengamlaw.com

This country-specific Q&A provides an overview of patent litigation laws and regulations applicable in Iran.

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Iran: Patent Litigation

1. What is the forum for the conduct of patent litigation?

Under the Industrial Property Protection Act (2024), disputes and claims arising under the Law and its implementing regulation fall within the jurisdiction of the Special Intellectual Property Judicial Complex in Tehran. Its judges must have relevant knowledge of intellectual property law, though the Complex may also hear other cases.

The Complex has not yet been established. Until it is, patent cases at first instance are heard by Branch 3 of the Tehran General Civil Court, presided over by a judge with expertise in intellectual property law. Appeals usually go to Branch 10 of the Tehran Court of Appeal, where two judges typically decide the case.

For technical questions, the court appoints official judicial experts. In practice, it asks them to interpret the patent claims and compare them with the accused product or process, usually in a single report.

2. What is the typical timeline and form of first instance patent litigation proceedings?

In Iran, proceedings on the merits before first instance court typically span 10 to 15 months, running from the filing of the statement of claim to the issuance of judgment. This duration, however, is not fixed: it may be extended by the number of patents in suit, the number of litigants, the involvement of court-appointed experts, and the overall complexity of the matter.

Civil litigation proceedings must contain plaintiff's full reasoning on claim construction and on infringement with the supporing evidence.

Infringement claims and invalidity counterclaims are usually handled within the same proceedings. Claim construction is not typically addressed separately but as part of the overall infringement and validity analysis.

Each patent claim determines the scope of protection and forms the basis for adjudication of infringement. In practice, the court refers claim construction and the infringement comparison to official justice-administration experts, which address both matters in a single report.

The first-instance judgment on the merits typically addresses validity, infringement, and liability, and declares whether damages are recoverable.

Service under the Law is governed, as applicable, by the Code of Civil Procedure. The address declared to the Registration Authority, or recorded in its electronic system, is the address of record for service throughout the administrative and judicial stages. This rule might create risks for foreign right holders.

3. Can interim and final decisions in patent cases be appealed?

First instance court handles appeals concerning the Iranian Patent Office's decisions concerning, e.g., patent registrations and oppositions.

Final first instance judgments in patent cases may be appealed to the Court of Appeal of Tehran Province, where the appeal is normally heard by Branch 10. Permission to appeal is not required. The deadline is 20 days from service of the notice of judgment. The appeal proceedings typically take 8 to 12 months.

The Court of Appeal reviews the dispute *in full*. Parties may not introduce new claims on appeal, but they may present new arguments and evidence, including additional prior art or evidence of infringement.

An appeal generally pauses enforcement of an appealable first-instance judgment until it becomes final. While the appeal is pending, the infringement finding remains subject to review, and any compensation award or patent invalidation order cannot be enforced. Once a patent invalidation judgment is final, the Registration Authority is notified so it can record and publish the invalidation.

4. Which acts constitute direct patent infringement?

Any act that violates the exclusive rights of the patent holder or their successor in title constitutes patent infringement, provided that it occurs after the patent's registration date. Infringing acts could be making the product, importing it, offering it for sale, selling and using it, and stocking it for the purpose of sale, offering for sale, or use.

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5. Do the concepts of indirect patent infringement or contributory infringement exist? If so, what are the elements of such forms of infringement?

No. The Law does not separately recognize indirect or contributory infringement or set out the elements of such liability. A claim may nevertheless be available under general principles of civil liability.

6. How is the scope of protection of patent claims construed?

The claims determine the scope of protection of the invention; they must do so in an articulate, concise, and complete manner and must not go beyond the framework of the description. Each claim is the basis of evaluation before the Registration Authority and of adjudication of infringement actions before the competent judicial authority.

Claims are construed in light of the patent description, which must disclose the invention completely, effectively, and clearly enough for a person having ordinary skill in the relevant art to implement it. The abstract provides technical information only and cannot determine the scope of protection. In practice, courts refer claim construction and infringement comparison to official justice-administration experts, who address both in a single report.

The Law does not codify a doctrine of equivalents. Nevertheless, a court-appointed expert may treat an accused device as equivalent to the patented means if it performs the same function to achieve the same or a similar result. This approach resembles the doctrine of equivalents recognised in other jurisdictions.

7. What are the key defences to patent infringement?

The principal defences to a patent-infringement claim are a counterclaim that the patent is invalid, an argument that the defendant's conduct does not infringe the patent, and a claim that the conduct occurred before the invention was registered and therefore cannot constitute infringement.

The Law also excludes certain acts from the patent owner's exclusive rights, so those acts do not amount to infringement. These exceptions include:

- resale or importation of products lawfully placed on the market by, or with the consent of, the patent owner (exhaustion);
- use of patented devices on foreign aircraft, land vehicles, or vessels temporarily or accidentally present in Iran;
- use for scientific, experimental, educational, or research purposes;
- prior use by a person who, in good faith, had used the invention in Iran or made serious and effective preparations to do so before the filing or priority date. This right may be transferred only together with the relevant business;
- non-commercial personal use;
- preparatory acts for commercial use of a pharmaceutical invention;
- compounding a medicine for an individual prescription;
- changing the method of using a registered medicine without altering the medicine's nature.

A defendant may also rely on the patent owner's consent, whether through a registered licence or a compulsory licence.

8. What are the key grounds of patent invalidity?

The Iranian court invalidates the patent certificate on any of the following grounds:

- The certificate was issued for subject matter excluded from patentability, such as discoveries, methods of medical treatment, or inventions contrary to Sharia principles, public order, or morality.
- The substantive conditions of novelty, inventive step, and industrial applicability did not exist at the time of filing.
- Effective disclosure meeting the requirements for the description was not made.
- The certificate was granted to a person not entitled to it.
- Four years from filing or three years from registration, whichever is longer, have elapsed and the holder has, without justified excuse, taken no effective measure to make or use the invention in Iran.
- The scope of protection has been extended through an unjustified amendment of the certificate.
- The court can invalidate one or several claims

An application must satisfy the unity of invention requirement. However, failure to state how the

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components of a general invention relate to one another does not invalidate the certificate.

9. How is prior art considered in the context of an invalidity action?

According the Iranian law, Prior art means everything that, before the filing date of the application or, where applicable, the priority date, has been disclosed to the public anywhere in the world through oral or written publication, practical use, or in any other manner. The standard is thus absolute and worldwide, and there is no restriction on the form the reference may take.

By way of exception, a disclosure of the claimed invention occurring within six months before the filing or priority date does not prevent registration by the inventor or his representative. Earlier-filed but unpublished applications are not deemed prior art; a conflict between competing applications for the same invention is instead resolved by the first-to-file rule.

Novelty requires that the invention did not exist in the prior art, and inventive step requires that the invention was not evident and obvious to a person having ordinary skill in the relevant art, assessed as at the filing or priority date.

10. Can a patentee seek to amend a patent that is in the midst of patent litigation?

The Law provides no procedure for limiting or amending a patent after grant. Claims may be amended only during examination, before the application is approved or refused, and only within the scope of the description as initially filed. After grant, the Registration Authority may correct translation, transcription, or administrative errors. It must notify the interested party of any correction and publish it.

For a patentee in litigation, the closest alternative is partial abandonment. A patent owner may abandon rights in whole or in part, including rights relating to one or more claims, by filing a notice with the Registration Authority. The abandonment takes effect when the notice is filed. It is barred if the rights have been attached by judicial authorities or are subject to another person's right. Abandonment of an earlier patent also requires the consent of a compulsory licensee whose licence concerns a dependent later invention. The Registration Authority notifies interested parties of the request and publishes it, but the Law provides no procedure for third parties to oppose the abandonment itself.

11. Is some form of patent term extension available?

No. The term of validity of the patent certificate is twenty years from the date of filing of the application, subject to payment of the renewal fees. Payment of the renewal fee commences after two years from the filing date and continues annually or periodically; a delay of up to six months is permitted against a penalty of twice the fee, failing which the certificate becomes invalid and the invalidity is published.

12. How are technical matters considered in patent litigation proceedings?

Technical issues in Iranian patent litigation are generally dealt with through court-supervised official expert.

The court may appoint a qualified expert on its own motion or at a party's request, defining the technical issues and deadline for the report. A panel may be appointed where necessary. The parties may instead jointly nominate an agreed expert, who replaces the court-appointed expert and need not be an official judicial expert.

Expert evidence is ordinarily written, express and reasoned. The report is notified to both parties, who may inspect it and submit written comments within one week. The court may summon the expert for oral clarification or further work. The court is not bound by an expert opinion that conflicts with established facts.

13. Is some form of discovery/disclosure and/or court-mandated evidence seizure/protection (e.g. saisie-contrefaçon) available, either before the commencement of or during patent litigation proceedings?

Before or during litigation, a party may request preservation of evidence if its later use may become impossible or difficult. The court may order a site inspection, bailiff or expert examination, recording of physical evidence, or examination of relevant documents. In urgent cases, these steps may be taken without prior notice. The court's order specifies the purpose and scope of the operation. This procedure preserves existing evidence; it does not authorize a broad search or seizure of the opposing party's premises, records, or property.

There is generally no obligation to disclose all relevant documents. A party may request the submission of a specific document held by the opposing party. If the

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opposing party admits possession but refuses to produce it, the court may treat that refusal as supporting the requesting party's case. Courts may also inspect commercial books, obtain information from public bodies and banks, appoint experts, and conduct site inspections.

14. Are there procedures available which would assist a patentee to determine infringement of a process patent?

Iranian law provides for reversal of the burden of proof in civil process-patent infringement proceedings.

Where convincing evidence—including a reliable expert opinion—indicates that a product may have been made using the patented process, and the process actually used cannot be established through reasonable efforts, the defendant must prove that the product was not produced using that process. This reversal applies only to civil actions concerning a patented process for obtaining a product.

The Act does not expressly empower the court to require the defendant to create and provide a process description. However, the court may order production of an identified existing document, appoint an expert, conduct a site inspection, or undertake other investigations necessary to establish the facts. Refusal to produce an admitted document may support an adverse inference. More importantly, failure to provide sufficient evidence of the process may prevent the defendant from discharging the reversed burden.

15. Are there established mechanisms to protect confidential information required to be disclosed/exchanged in the course of patent litigation (e.g. confidentiality clubs)?

Iranian law protects confidential information in patent litigation, but does not establish formal confidentiality clubs or “attorneys' eyes only" arrangements.

Information qualifying as a trade secret must be protected by the court. Where the dispute concerns a trade secret, or a party must disclose one to prove or defend its case, the hearing must be held in private. Unauthorised acquisition or disclosure may result in damages and criminal penalties.

For process-patent cases, the defendant may provide production documents or trade secrets directly to the court or an official judicial expert. Their disclosure is prohibited. The person responsible for disclosure is liable for damages and the maximum applicable punishment, which cannot be suspended. Official experts are also independently bound by duties of confidentiality.

16. Is there a system of post-grant opposition proceedings? If so, how does this system interact with the patent litigation system?

The 2024 Act provides a nine-month administrative opposition period following publication of the final patent text. During that period, any person may challenge acceptance of the application before the Registry, providing reasons, supporting documents and the prescribed fee. The opposition is decided by the Industrial Property Registration Disputes Board, whose final decision may be challenged before the competent court within one.

After the nine-month period, a challenge to a granted patent must be brought before the court. Any person may seek cancellation of the patent, or particular claims, on the grounds specified in Article 67. Accordingly, post-grant validity proceedings are principally judicial rather than proceedings before the Patent Office.

The Act contains no corresponding rule requiring or regulating a stay of civil infringement proceedings while an administrative opposition or judicial cancellation action progresses. It therefore provides no statutory factors for such a stay and does not indicate whether stays are typically sought or granted in practice. Since the regulation of the new Act is not established yet, such processes are not clearly define.

17. To what extent are decisions from other fora/jurisdictions relevant or influential, and if so, are there any particularly influential fora/jurisdictions?

Iranian courts are not bound by decisions of foreign courts, patent offices or tribunals. Such decisions may be considered as persuasive or evidential material, but validity and infringement must be determined independently under Iranian law. No foreign jurisdiction is formally recognised as particularly influential.

18. How does a court determine whether it has jurisdiction to hear a patent action? And in what circumstances will a court anti-suit to preserve its jurisdiction.

The specialized Judicial Complex in Tehran has exclusive

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jurisdiction over patent litigation. Currently, Branch 3 of the Tehran Court of First Instance hears patent cases.

Because protection under the Act requires registration in Iran, Iranian courts determine infringement and validity only for Iranian patents. They have no jurisdiction to rule on the validity or enforceability of foreign patents. The Act does not provide for anti-suit injunctions.

19. What are the options for alternative dispute resolution (ADR) in patent cases? Are they commonly used? Are there any mandatory ADR provisions in patent cases?

Patent disputes may be referred to arbitration, except where the dispute concerns the underlying validity of the patent right. Accordingly, disputes concerning infringement, licensing, transfer or damages may be arbitrated, while patent validity or cancellation must be determined by the competent court.

ADR is voluntary; the Act contains no mandatory arbitration, mediation or other ADR requirement. It also does not establish a specific patent mediation procedure.

20. What are the key procedural steps that must be satisfied before a patent action can be commenced? Are there any limitation periods for commencing an action?

A patent infringement action may be commenced only on the basis of a patent registered in Iran. The Act does not permit infringement proceedings based merely on a pending or published application.

A warning letter is not mandatory, however, it is common that the plaintiff sends notice before filing a lawsuit. This enhancement does not apply to process patents or where the patentee has not produced and sold the invention.

The Act specifies no limitation period for civil patent-infringement or patent-invalidity actions. Nevertheless, infringement must concern acts occurring during the patent's valid term, generally 20 years from the filing date, subject to payment of renewal fees.

21. Which parties have standing to bring a patent infringement action? Under which circumstances will a patent licensee have standing to bring an action?

A patent infringement action may be brought by:

- the registered patentee, its representative or successor; and
- any co-owner, independently or jointly with the other co-owners, without any express requirement to notify them.

An inventor who has retained only moral rights cannot sue for infringement unless the inventor also owns the patent or acts for the owner.

The Act distinguishes an assignment of ownership from a licence to use the patent. Neither an exclusive nor a non-exclusive licensee is expressly authorised to commence an infringement action in its own name. A licensee may bring the action only if separately authorised to act as the patentee's representative. If ownership has been assigned, the assignee may sue as owner or successor.

A compulsory licence is limited to the authorised purpose and is non-exclusive; the compulsory-licensing provisions do not grant its holder independent infringement standing.

The law allows any “interested person” to request compensation for its loss once infringement has been established. This may include a licensee that has suffered direct loss, but the provision does not expressly permit the licensee alone to commence the infringement actions.

22. Who has standing to bring an invalidity action against a patent? Is any particular connection to the patentee or patent required?

Any person may bring an action before the court seeking invalidation of an entire patent, an individual claim or part of its claims. No commercial, competitive or other particular connection to the patentee or patent is expressly required.

23. Are interim injunctions available in patent litigation proceedings?

Industrial Property Protection Act permits interim injunctions prohibiting the manufacture, sale or importation of allegedly infringing products. Applications may be made before or during proceedings, with urgency assessed by the court. Both parties are ordinarily invited to participate (inter partes), but where urgency justifies it, the court may consider the application without hearing the defendant (ex parte) and authorise execution before service. No fixed statutory timeframe applies to deciding either type of application.

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The applicant must deposit appropriate security to cover potential damage caused by the injunction. If the substantive claim is rejected, including because the patent is invalid or not infringed, the applicant is liable for damage suffered by the defendant through execution of the order.

Where the substantive action has not already been commenced, the applicant must file it within 20 days of issuance of the injunction and submit proof of filing to the court that granted the order. Otherwise, the court will lift the injunction upon the defendant's request.

24. What final remedies, both monetary and non-monetary, are available for patent infringement? Of these, which are most commonly sought and which are typically ordered?

Both monetary and non-monetary remedies are available. A patentee may seek cessation of unauthorised exploitation and compensation for all loss caused by the infringement, including lost profits satisfying the statutory *etlaf* standard. Recoverable litigation costs include court fees, lawyers' fees and necessary expert expenses.

Recall, surrender or destruction of infringing products may also be ordered, but expressedly under the specific criminal-law conditions, rather than as an automatic civil remedy.

25. On what basis are damages for patent infringement calculated? Is it possible to obtain additional or exemplary damages?

Compensation covers proven loss caused by infringement, including obtainable profits where their deprivation satisfies the statutory *etlaf* requirement. No general exemplary-damages regime or mandatory royalty-based formula is prescribed.

Continued infringement after a formal cease-and-desist notification may attract a **fine**, not compensatory damages, equal to three times the loss incurred between notification and judgment. This excludes process patents and cases where the patentee has not manufactured and sold the invention.

26. How readily are final injunctions granted in patent litigation proceedings?

In principle, a final injunction follows a finding of patent infringement on the merits. Iranian law contains no express provision permitting a court to refuse such relief on public-interest or proportionality grounds.

The injunction must remain within the patent's claims, term and exclusive rights. Public-interest concerns are addressed separately through compulsory licensing, rather than by denying an injunction.

27. Are there provisions for obtaining declaratory relief, and if so, what are the legal and procedural requirements for obtaining such relief?

The statute does not expressly establishes a dedicated procedure for declarations of non-infringement.

28. What are the costs typically incurred by each party to patent litigation proceedings at first instance? What are the typical costs of an appeal at each appellate level?

Court fees are generally negligible for patent claims. However, where damages are claimed, the action is treated as monetary and court fees are approximately 3.5% of the amount claimed at first instance and 4.5% of the amount challenged on appeal.

The principal additional expenses are attorneys' fees, evidence-collection and enforcement costs, and expert fees. The cost of litigation varies depending upon the counsel fees, complexity of the proceedings, interim proceedings etc.

Preliminary-injunction proceedings generally involve similar attorneys' fees because comparable work must be completed within a shorter period. The court determines the required security case by case, but it commonly starts at approximately EUR 100K. This is a security deposit, rather than a legal cost, and may ultimately be recoverable.

29. Can the successful party to a patent litigation action recover its costs?

The actual expenditure may not be fully recoverable, and no fixed recovery percentage applies. Recoverable costs include court fees, lawyers' fees and necessary expenses directly connected with the proceedings, including expert fees and evidence-collection costs. Recovery must be requested. Recovery of lawyers' fees is capped at the official tariff; a lower agreed fee limits recovery to that lower amount.

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Costs may be awarded in the judgment on the merits or claimed separately.

30. What are the biggest patent litigation growth areas in your jurisdiction in terms of industry sector?

Medical technology and pharmaceuticals are the principal sectors to watch for increased patent litigation.

31. What do you predict will be the most contentious patent litigation issues in your jurisdiction over the next twelve months?

Over the next twelve months, we expect disputes to focus on the application cancellation of the patents which have not been used in Iran four years from the filing date, or three years since the registration of the patent – whichever period is longer- and the patent holder, without a valid excuse, has taken no effective steps to manufacture or use the invention in Iran.

32. What are the biggest challenges and opportunities confronting the international patent system?

The international patent system faces challenges in adapting patentability and inventorship rules to AI-assisted innovation, maintaining patent quality and balancing innovation incentives with access to essential technologies. Opportunities include using AI to improve patent examination, greater cooperation between patent offices, and licensing arrangements that facilitate technology transfer. For Iranian innovators, affordable international protection and access to technology-transfer partnerships are particularly important.

Contributors

Shahnoosh Haeri
Managing Partner
info@hengamlaw.com



Sadegh Shamshiri
Head of Litigation
shamshiri@hengamlaw.com



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