Two titans of the electronic industry, Apple (based in the USA) and Samsung Electronics (based in South Korea), are involved in an unprecedented legal battle across several jurisdictions, such as the United Kingdom, Denmark, Germany, South Korea, USA.

Mainly, Apple has been trying to defend its patents and the design of its products from an alleged transgression by Samsung E. The companies have started actions of infringement and declaration of no-infringement in different national courts. These actions have led to contradictory judgments, awarding the companies different rights. An example of this is that in August 2012, a jury in the USA found that the South Korean products copied essential characteristics from Apple’s iPhone and iPad design. Samsung was subsequently ordered to pay 1.05 billion dollars in damages. Meanwhile, in the UK, a judge determined that Samsung’s tablet did not constituted a copy of Apple’s tablet design.

The conflict can be described as a multijurisdictional dispute involving the same parties and same subject matters on intellectual property rights. This paper will analyse the different decisions, focusing on the dispute for the design. It will then explore the possibility of such a dispute to be solved through a single arbitration procedure. Hence, portraying whether it would be possible to have a single award, enforceable in the different jurisdictions where the parties have registered their intellectual property right.

Even though it is still not possible to have a globally homogenized system for Intellectual Property Rights, the global trade and market of intellectual property rights has gone beyond the national barriers. There is a need for reassessment of the enforcement methods. This paper will explore the
possibility of strengthen the enforcement of intellectual property rights via arbitration, for the type of conflicts above described.