

## Sahajanand v. Angiotech, Court of Appeal The Hague (Gerechtshof Den Haag), 27 January 2009

Kluwer Patent Blog  
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Peter Burgers (Brinkhof)

*Please refer to this post as: Peter Burgers, 'Sahajanand v. Angiotech, Court of Appeal The Hague (Gerechtshof Den Haag), 27 January 2009', Kluwer Patent Blog, January 27 2009, <http://patentblog.kluweriplaw.com/2009/01/27/sahajanand-v-angiotech-court-of-appeal-the-hague-gerechtshof-den-haag-27-january-2009/>*

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In this judgment the Court of Appeal considers the appellant's claim for invalidation of the patent inadmissible as he did not call the co-proprietor of the patent to join the proceedings. While considered valid on substantive grounds, the claim in question needs to be rephrased to fulfill the industrial applicability. As nullity of the patent is in this case purely stated as a defense, the proprietor has the right to rephrase, but has to show the co-proprietor agrees to the suggested rephrasing.  
The full summary of this case has been posted on [Kluwer IP Law](#).