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Circular fluorescent lamp/Osram, European Patent Office (EPO Board of Appeal), 17 March 2011

Ferry van Looijengoed · Tuesday, September 6th, 2011 · Landmark European Patent Cases

The opponent relied on a document that was distributed in a meeting arranged by himself. The Board of Appeal held that in the present case, it did not share the view of the patentee that it was impossible for him to prove non-distribution and that therefore the burden of proof was with the opponent. In the view of the Board, the patentee had the possibility of disproving public availability of the document, e.g. by contacting further participants of the meeting who might testify that the document had a different content, was distributed later etc.

Click [here](#) for the full text of this case.

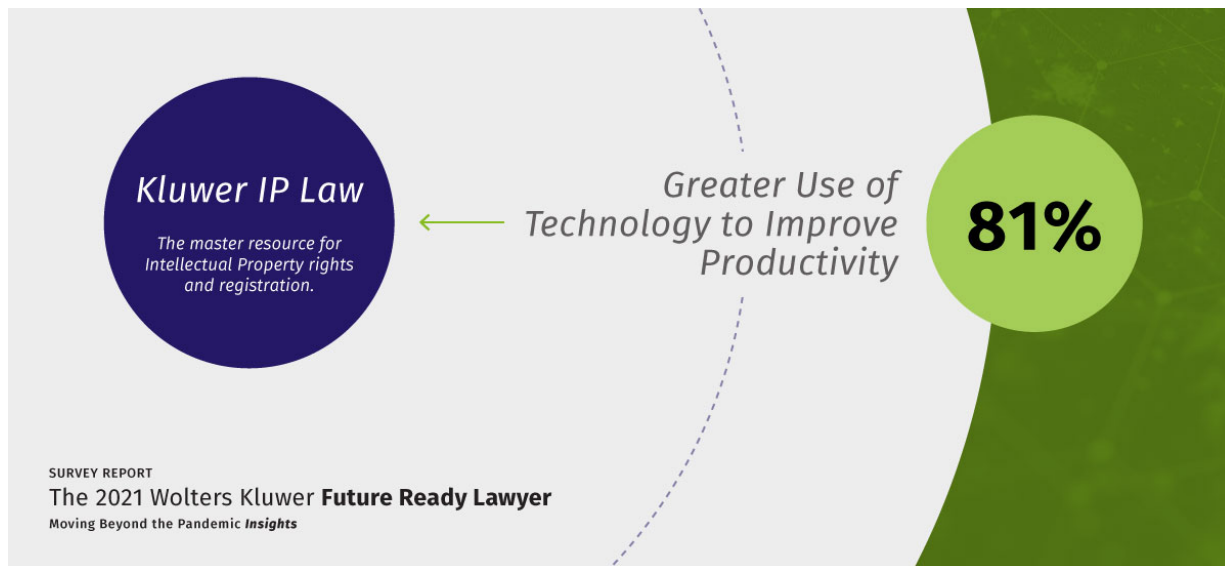
A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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