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Pharmachemie v. Glaxo Group, Supreme Court (Hoge Raad), 22 June 2012

Peter Burgers (Brinkhof) · Monday, July 30th, 2012

Regarding the interpretation of “offering for the purpose” (of making, using etc.) in the sense of Article 53(1)(b) Dutch Patent Act, the Supreme Court held that offering has to be construed broadly and is not restricted to offering for sale. The defendant submitted its generic product for listing in G-Standaard, the database for medicinal products through pharmacies, before expiration of the patent covering this substance (i.e. Ondansetron) , accompanied by a side letter to all database users that the product would not be put on the market before the expiration of the patent. The Supreme Court sanctioned the Appeal Court’s finding that this qualifies as “offering” and is therefore prohibited.

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

A summary of this case will be posted on <http://www.KluwerIPCases.com>

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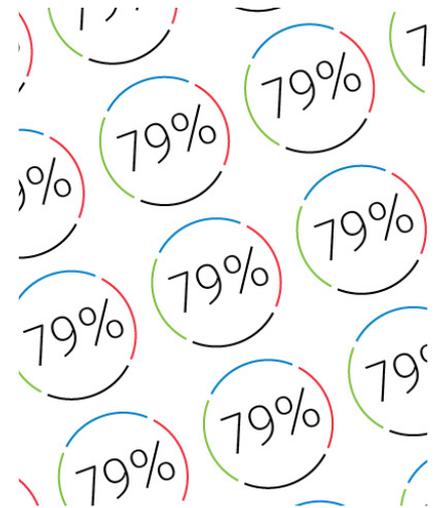
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This entry was posted on Monday, July 30th, 2012 at 3:39 pm and is filed under [Case Law](#), [Chemical Engineering](#), [Netherlands](#), [Pharma](#), [Procedure](#), [Second Medical Use](#)

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