

Danisco v. Novozymes, Court of Appeal The Hague (Gerechtshof Den Haag), 26 February 2013

Kluwer Patent Blog
May 2, 2013

Peter Burgers (Brinkhof)

Please refer to this post as: Peter Burgers, 'Danisco v. Novozymes, Court of Appeal The Hague (Gerechtshof Den Haag), 26 February 2013', Kluwer Patent Blog, May 2 2013, <http://patentblog.kluweriplaw.com/2013/05/02/danisco-v-novozymes-court-of-appeal-the-hague-gerechtshof-den-haag-26-february-2013/>

The Court of Appeal held that the duty to compensate the successful party's legal costs in intellectual property proceedings, pursuant to Art. 14 of the Enforcement directive, also applies to invalidity claims, counterclaims and defenses by the alleged infringing party threatened with patent enforcement. To deny such compensation in respect of nullity claims or defenses that constitute an important defense against enforcements of intellectual property rights would be contrary to Article 6 ECHR.
A summary of this case will be posted on <http://www.kluweriplaw.com>