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Germany: Raltegravir, Federal Court of Justice of Germany, X ZB 2/17, 11 July 2017

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Tuesday, October 24th, 2017

In this case the Federal Court of Justice (FCJ) allowed a compulsory licence under a patent for a pharmaceutical active ingredient for the first time ever. The Court held that a public interest in such a licence may still exist where it concerns only a small group of patients. In particular, the interest may be established if the specific patient group would otherwise be exposed to an extremely high risk if the medicament were no longer available. Whether the petitioner seeking a compulsory licence has made sufficient efforts to obtain a licence from the patentee on reasonable, commonly accepted conditions must be assessed in light of the circumstances of the specific individual case.

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

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