

Germany : Akteneinsicht XXIII, Federal Court of Justice of Germany, X ZR 110/17, 14 February 2018

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Thorsten Bausch (Hoffmann Eitle)

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The FCJ held that:

a) An objection by one party can lead to the petitioner being required to demonstrate a legitimate interest in the inspection of the files of a patent nullity procedure, but only if the opposing party demonstrates an interest of its own which may stand in the way of the inspection.

b) The interest of a private expert in the fact that his name and the circumstance that he has become active on behalf of a particular party do not become known must, as a rule, stand back behind the right to inspection of files provided for in Sec. 99 (3) and Sec. 31 Patent Law for everyone.

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