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# Kluwer Patent Blog

## Sahajanand v. Angiotech, Court of Appeal The Hague (Gerechtshof Den Haag), 27 January 2009

Peter Burgers (Brinkhof) · Tuesday, January 27th, 2009

In this judgment the Court of Appeal considers the appellant's claim for invalidation of the patent inadmissible as he did not call the co-proprietor of the patent to join the proceedings. While considered valid on substantive grounds, the claim in question needs to be rephrased to fulfill the industrial applicability. As nullity of the patent is in this case purely stated as a defense, the proprietor has the right to rephrase, but has to show the co-proprietor agrees to the suggested rephrasing.

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

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