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# Kluwer Patent Blog

## Technical Equivalents, Supreme Court (Højesteret), 27 March 2009

Peter-Ulrik Plesner · Friday, March 27th, 2009 · Landmark European Patent Cases

In this decision the Danish Supreme Court for the first time uses equivalents as a legal base for violation of a patent. Equivalents have long been a part of Danish patent law, but the Supreme Court has been cautious and reserved concerning their use. The respondent in this case had a Danish patent, concerning a method for corrosion-protection of a water system. The appellant made a system that had similarities to the system of the respondent. The respondent's patent concerned the actual method, not the specific facility in which the method was used. The Supreme Court held that, even if appellant's system was found to be outside the exact wording of the respondent's patent, the appellant would still violate the patent due to technical equivalents.

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

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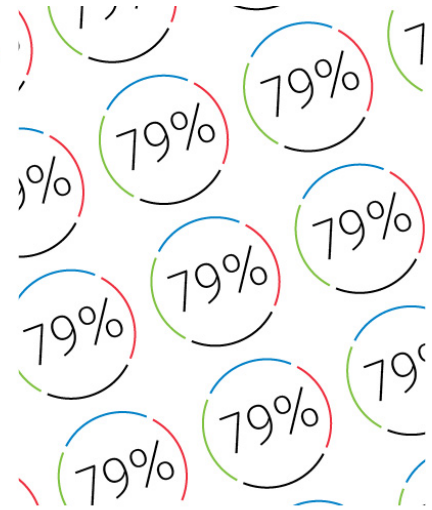
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This entry was posted on Friday, March 27th, 2009 at 8:49 am and is filed under Case Law, Chemical Engineering, Denmark, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an invention by changing minor or insubstantial details while retaining the same functionality. Internationally, the criteria for determining equivalents vary. For example, German courts apply a three-step test known as Schneidmesser's questions. In the UK, the equivalence doctrine was most recently discussed in Eli Lilly v Actavis UK in July 2017. In the US, the function-way-result test is used.">Equivalents  
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