
Kluwer Patent Blog

Glaxo v. Pharmachemie, District Court The Hague (Rechtbank Den Haag), 08 September 2009

Peter Burgers (Brinkhof) · Tuesday, September 8th, 2009

In these infringement proceedings before the Preliminary Relief Judge of the District Court of The Hague the defendant argued that the claimants should not have received an SPC for valaciclovir, since not valaciclovir, but its parent drug aciclovir is the ‘active ingredient’ Because aciclovir is not protected by the basic patent, and the market authorization used to apply for the SPC was not the first market authorization, the SPC should be invalidated. The Preliminary Relief Judge dismissed this argument, which was partly based on the European Court of Justice’s judgment in the MIT case. According to the Judge, the derivative valaciclovir cannot be equated with a combination of an active ingredient and an inert auxiliary substance, which was the subject of the MIT case.

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

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how [Kluwer IP Law](#) can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Tuesday, September 8th, 2009 at 5:49 am and is filed under [\(Indirect\) infringement](#), [Chemical Engineering](#), [Extent of Protection](#), [Inventive step](#), [Netherlands](#), [Revocation](#), [Scope of protection](#), [Validity](#)

You can follow any responses to this entry through the [Comments \(RSS\) feed](#). Both comments and pings are currently closed.