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Pramipexol, Commercial court n.8 of Barcelona (Juzgado de lo mercantil no. 8 Barcelona), 02 March 2010

Miquel Montaña (Clifford Chance) · Tuesday, March 2nd, 2010 · Landmark European Patent Cases

In this case the Commercial Court lifts an ex parte preliminary injunction against the launch of several generics of Pramipexol after an inter partes hearing. The ex parte decision was grounded on a Supplementary Protection Certificate based on a patent granted under the 1929 Patents Act. One of the claims of the patent was construed as conferring de facto protection on the product. As to this de facto protection the Commercial Court considered that, although the scope of protection of patents granted under the 1929 Patents Act must be determined according to the 1986 Patents Act (interpreting the claims in the context of the specification), one must take into account that under the 1929 Patents Act omnibus claims were included for formal reasons. Hence they cannot be interpreted as conferring de facto protection on the product.

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

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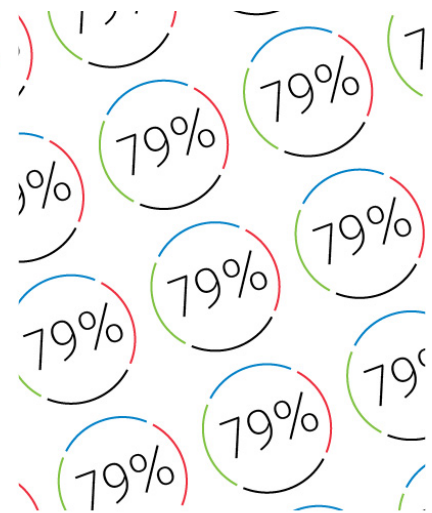
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