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Bébécar v. Maxi Miliaan, Court of Appeal The Hague (Gerechtshof Den Haag), 30 March 2010

Rik Lambers (Brinkhof) · Sunday, April 18th, 2010

As the Supreme Court had held for European Patents (SC 6 March 2009 Boston Scientific/Medinol), the Court of Appeal now affirms that the so-called Spiro/Flamco doctrine, which set strict requirements for partial nullification/maintenance of a patent, is also no longer applicable to Dutch patents since EPC 2000 came into force. The patent holder has the right to limit his (Dutch) patent by amending the claims during validity proceedings (Article 138 EPC).

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

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