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# Kluwer Patent Blog

## VM Tarm v. Mørch & Sønner A/S, Supreme Court (Højesteret), 12 December 2008

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The Appellant had obtained both utility model and patent protection for a mechanical invention. The Defendant argued that the subject matter of both rights did not fulfil the novelty requirement, because it had been disclosed to the public by demonstrations of the invention to both individual persons and corporate entities prior to the priority date.

The Supreme Court upheld the High Court decision that – based on the provided evidence of these demonstrations – it was not possible to assess whether the skilled person would have been able to carry out the invention. Since it could not be determined that the demonstrations constituted an enabling disclosure, the novelty argument was dismissed and the Court decided in favour of the Appellant.

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

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