## **Kluwer Patent Blog**

## Can obtaining a price for a generic medicament be considered an act of unfair competition?

Miquel Montañá (Clifford Chance) · Tuesday, November 23rd, 2010

Under Spanish law, when the first generic version of a medicament of reference (i.e. original medicament) is authorized, the setting of the price of the generic triggers the inclusion of the medicament of reference in the so-called "price reference system", even if the generic is not launched onto the market until the patent protecting the medicament of reference expires. This has prompted the debate as to whether applying and obtaining a price may be objectionable.

On 16 November 2010, Commercial Court Number 5 of Barcelona handed down a judgment concluding that obtaining a price in these circumstances is an act of unfair competition since, even if the generic is not launched, the act of merely obtaining a price compromises the competitive position of the owner of the medicament of reference.

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

## Kluwer IP Law

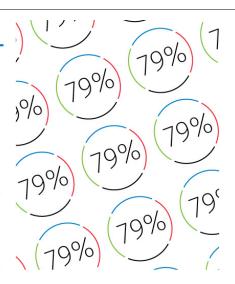
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred 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, November 23rd, 2010 at 11:12 am and is filed under Spain You can follow any responses to this entry through the Comments (RSS) feed. Both comments and pings are currently closed.