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Fentanyl, Austrian Supreme Court (Oberster Gerichtshof), 14 July 2009

Giovanni Gozzo · Monday, January 24th, 2011 · Landmark European Patent Cases

The Supreme Court held that if someone exports goods from Germany and it is not proven that the same person imported them into Austria, there is no infringement of patent rights in Austria, even when the goods are assigned to be imported into Austria. In this particular case the Court of first instance carried out independent fact finding. Pursuant to § 148 of the Austrian Patent Act the infringer is obliged to correct his acts that infringe the law. Such correction may be ordered only to the extent that such correction is within the power of the infringer.

Click [here](#) for the full text of this case.

A **full summary** of this case has been published on **Kluwer IP Law**.

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