
Kluwer Patent Blog

Fidia v. Chemi, Supreme Court (Corte Suprema di Cassazione), 5 April 2012

Daniela Ampollini (Trevisan & Cuonzo) · Sunday, July 29th, 2012

The Supreme Court held that Article 68 (3) IP Code relating to prior use, sets forth both a “quantitative” and a “qualitative” limit, in the sense that it “serves to identify the business behavior which determines the limit of the monopoly granted to the patent holder in respect of the prior user”. Since the prior use of the claimed substance and purification process thereof entails a single business behavior, whereas it was impossible to attribute autonomous economic value to the purification process claimed by the second patent, said prior use could only protect the infringer in respect of the first patent.

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

A summary of this case will be posted on <http://www.KluwerIPCases.com>

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 Sunday, July 29th, 2012 at 3:10 pm and is filed under [\(Indirect\) infringement](#), [Case Law](#), [Italy](#), [Prior use right](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.