## **Kluwer Patent Blog**

## Pictures in a complaint

Thomas Musmann (Rospatt Osten Pross) · Friday, December 6th, 2013

By Bernward Zollner

Every now and then it is suggested that a picture or pictures be incorporated in a mo-tion of a complaint against the defendant requesting defendant to cease and desist from a certain activity (being a patent or a copyright infringement) so that defendant's activity by described more clearly. A recent decision of the German Bundesgerichtshof recalls a particular risk which is linked with a motion in which reference is made to pictures. The risk is the missing clarity (definiteness) of a court decision which is based on such a motion. Even if plaintiff has submitted clear and definite photos with the motion it is up to the court to draw copies from the motion for the various copies of the written judgment (or the ex-parte preliminary decision). Sometimes such copies have a poorer quality than the original pictures. Sometimes already the original pictures are of a poor quality. In a recent decision the German Bundesgerichtshof has changed an attacked decision of an appeal court and has sent back the case to the appeal court simply because the pictures in the appeal court decision were not good enough to clearly describe the scope of the court's order.

Dr. Bernward Zollner rospatt osten pross – Intellectual Property Rechtsanwälte

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

## Kluwer IP Law

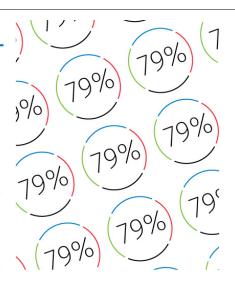
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred 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 Friday, December 6th, 2013 at 1:47 pm and is filed under Germany You can follow any responses to this entry through the Comments (RSS) feed. Both comments and pings are currently closed.