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# Kluwer Patent Blog

## Vorbereitender Besichtigungsanspruch, Higher Regional Court (Oberlandesgericht) Hamm, 31 January 2013 ”

Anja Petersen (Hoffmann Eitle) · Monday, February 3rd, 2014

As a rule, an applicant has a right to inspection of respondent's premises in order to prepare a claim for damages due to illegal exploitation of secret know-how. The applicant must designate construction plans which are to be inspected, otherwise the request for inspection will not be sufficiently precise and clear under Sec. 253(2) CCP. The applicant must prove a “certain likelihood” that its claim to damages based on illegal exploitation of secret know-how is justified. The right to inspection shall not allow an applicant to conduct a “fishing expedition”.

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

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