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EU: Huawei v. ZTE, Court of Justice of the European Union (CJEU), C-170/13, 16 July 2015

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Tuesday, September 1st, 2015

The CJEU decided on a referral by the District Court Düsseldorf with regard to the interpretation of Art. 102 TFEU in the context of patent infringement actions regarding standard essential patents (SEPs). The Court held that the owner of an SEP who seeks injunctive relief against an alleged infringer does not abuse a dominant position resulting from the fact that the patent is an SEP as long as certain requirements are met. Furthermore, Art. 102 TFEU does not prohibit the proprietor of an SEP from bringing an action for infringement against the alleged infringer seeking remedies for past acts of use of that patent.

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

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