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Patent case: Abdichtsystem, Germany

Jochen Buehling (Krieger Mes Graf & v. der Groeben) · Tuesday, September 18th, 2018

This case concerns the question of whether, and under what conditions, a supplier of infringing products who is located abroad can be held liable for infringement of the German patent for acts committed abroad. The FCJ held that the supplier may be liable if he was aware or should have been aware of the fact that the products he was supplying would eventually also reach the German market through his customers. Where the supplier does not market the products directly to Germany, there is no general obligation to monitor the activities of his customers. However, the obligation exists if the supplier has concrete indications that the customer ships the products to or offers them in Germany, or if this is obvious.

The FCJ further made some statements with regard to the relationship between the claims for a recall of the products and for definitive removal of the products from the channels of commerce, and on the scope of the claim for accounting of the infringing acts.

Case date: 16 May 2017

Case number: X ZR 120/15

Court: Federal Court of Justice of Germany

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

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