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Patent case: HE Licenties B.V. vs VG Colours B.V., Netherlands

Bart van Wezenbeek (Hoffmann Eitle) · Tuesday, July 9th, 2019

A patent that is limited during the course of the proceedings (even after the pleadings) is held to have been so limited ab initio if the limitation is duly registered.

When a European patent is granted and validated, an existing national patent loses its effect only for the invention claimed in the European patent.

The evidence for prior public use needs to be judged according to Dutch principles for evidence before the Dutch courts, i.e. on the balance of probabilities, corrected for the availability of the means of proof for the parties. If the prior public use was performed by this party, proof up to the hilt needs to be provided.

Case date: 19 June 2019
Case number: C/09/519934 / HA ZA 16-1108C/09/489570 / KG ZA 15-756
Court: District Court of The Hague

A full summary of this case has been published on Kluwer IP Law.

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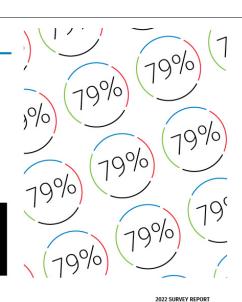Learn how **Kluwer IP Law** can support you.

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