

## Cited cases

### *EPO Board of Appeals*

EPO *Plant Genetics Systems* T 356/93 OJ EPO [1995] 545 (21.2.1995).

EPO *B&H Manufacturing* T 557/94 [1996] (12.12.1996).

EPO *PPG Industries Ohio, Inc.* G 1/03 OJ EPO [2004] (08.04.2004).

### *GATT/WTO*

GATT *United States – Imports of certain automobile spring assemblies* Report of the Panel (26.05.1983) L/5333 30S/107.

GATT *Japan – Custom Duties, Taxes and Labelling Practices on Imported Wines and Alcoholic Beverages* Report of the Panel (10.11.1987) L/6216 – 34S/83.

GATT *United States – Section 337 of the Tariff Act of 1930* Report of the Panel (07.11.1989) L/6439 36S/402.

GATT *Thailand – Restrictions on the Importation of and Internal Taxes on Cigarettes* Report of the Panel (07.11.1990) DS10/R – 37S/200.

GATT *United States – Restrictions on Imports of Tuna* Report of the Panel ('GATT *Tuna/Dolphins I*') (03.09.1991) DS21/R – 39S/155.

GATT *United States – Restrictions on Imports of Tuna* Report of the Panel ('GATT *Tuna/Dolphins II*') (16.06.1994) DS29/R.

WTO *United States – Standards for Reformulated and Conventional Gasoline* Report of the Appellate Body (20.05.1996) WT/DS2/9 ('WTO *United States – Gasoline*').

WTO *Japan – Taxes on Alcoholic Beverages* Report of the Appellate Body (4.10.1996) WT/DS8/AB/R ('WTO *Japan – Alcoholic Beverages II*').

WTO *India: Patent Protection for Pharmaceutical and Agricultural Chemical Products* Report of the Panel (05.09.1997) WT/DS50/R ('WTO *India – Patent Protection I*').

WTO *India: Patent Protection for Pharmaceutical and Agricultural Chemical Products* Report of the Appellate Body (19.12.1997) WT/DS50/AB/R. ('WTO *India – Patent Protection II*').

WTO *United States – Import Prohibition on Certain Shrimp and Shrimp Products* Report of the Appellate Body (12.10.1998) WT/DS58/AB/R ('WTO *United States – Shrimps*').

WTO *Argentina. – Patent Protection for Pharmaceuticals and Test Data Protection for Agricultural Chemicals* Request for Consultation by the US (10.05.1999) WT/DS 171/1.

- WTO *EC – Measures affecting meat and meat products* Recourse by the US to Article 22.7 of the DSU (15.07.1999) WT/DS26/21 ('WTO *EC – Hormones*').
- WTO *United States – Sections 301-310 of the Trade Act of 1974* Report of the Panel (22.12.1999) WT/DS152/R.
- WTO *Canada – Patent Protection for Pharmaceuticals* Report of the Panel (17.03.2000) WT/DS 114/R ('WTO *Canada – Pharmaceuticals*').
- WTO *Brazil – Measures Affecting Patent Protection* Request for Consultations by the US (08.06.2000) WT/DS 199/1.
- WTO *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef* Report of the Appellate Body (11.12.2000) WT/DS161/AB/R 161 ('WTO *Korea – Beef*').
- WTO *EC – Measures Affecting Asbestos and Asbestos-Containing Products* Report of the Appellate Body (12.03.2001) WT/DS135/AB/R ('WTO *EC – Asbestos*').
- WTO *Brazil – Measures Affecting Patent Protection* Request for Consultations by the US (19.07.2001) WT/DS 199/4.
- WTO *United States – Section 211 Omnibus Appropriations Act of 1998* Report of the Panel (06.08.2001) WT/DS176/R ('WTO *United States – Section 211* (panel ruling)').
- WTO *United States – Section 211 Omnibus Appropriations Act of 1998* Report of the Appellate Body (02.01.2002) WT/DS176/AB/R ('WTO *United States – Section 211* (Appellate Body ruling)').
- WTO *Argentina – Patent Protection for Pharmaceuticals and Test Data Protection for Agricultural Chemicals* Notification of Mutually Agreed Solution According to the Conditions Set Forth in the Agreement (20.06.2002) WT/DS171/3.
- WTO *United States – Measures affecting the Cross-Border Supply of Gambling and Betting Services* Report of the Panel (10.11.2004) WT/DS285/R ('WTO *US – Gambling* (panel ruling)').
- WTO *United States – Measures affecting the Cross-Border Supply of Gambling and Betting Services* Report of the Appellate Body (07.04.2005) WT/DS285/AB/R ('WTO *US – Gambling* (Appellate Body ruling)').
- WTO *Brazil – Measures affecting imports of retreaded tyres* Report of the Panel (12.06.2007) WT/DS332/R ('WTO *Brazil – Retreaded Tyres*').

## ICJ

*Continental Shelf* Case (Libyan Arab Jamahiriya/Malta) [1985] ICJ Rep 13.

## Permanent Court of International Justice

*Certain German Interests in Polish Upper Silesia* (Germany v Poland) (Merits) PCIJ Rep Series A No 7.

*National case law*

*Canada*

*Frank W Horner Ltd. v. Hoffmann-La Roche Ltd.* [1970] 61 Ex CR. 243.

*ECJ*

*Centrafarm v. Sterling Drugs* 15/74 [1974] ECR 1147.

*Merck v. Stephar* 187/80 [1981] ECR 2063.

*Pharmon v. Hoechst* 19/84 [1985] ECR 2281.

*Allen and Hanburys v. Generics (UK) Ltd* 434/85 [1988] ECR 1245.

*Merck v. Primecrown* C267/95 [1996] ECR I-6285.

*Microsoft (Case COMP/C-3/37.792)* EC Commission Decision C(2004) 900 final [2004].

*Anheuser-Busch Inc. v. Budejovický Budvar národní podnik* C-245/02 [2004] ECR I-10989.

*Germany*

*Bundesverfassungsgericht (BVerfG)*

*Klinische Versuche* 1 BvR 1864/95 [2000], (2001) GRUR 1 p.43-45 (*'Klinische Versuche BVerfG GRUR 2001'*).

*Bundesgerichtshof (BGH)*

*Clinical Tests* X ZR 99/92 [1995], (1997) 26 IIC 1 p.103-113 (*'Clinical Tests BGH 26 IIC 1 1997'*).

*Compulsory License* X ZR 26/92 [1995], (1997) 28 IIC 2 p.242-250 (*'Compulsory License, BGH 28 IIC 1997'*)

*Klinische Versuche II* X ZR 68/94 [1997], (1997) NJW 1997 p.3092-3096 (*'Klinische Versuche II BGH NJW 1997'*).

*Bundespatentgericht (BPatG)*

*Compulsory License* 3 Li 1/90 [1991], (1993) 22 IIC 3 p.397-403 (*'Compulsory License BPatG 22 IIC 3 1993'*)

*Japan*

*BBS Kraftfahrzeugtechnik AG v. KK Lassimex* Heisei 7(wo) 1988, 1.7.1997.

*Ono Pharmaceuticals Co v. Kyoto Pharmaceutical Industries* Supreme Court 1998 (ju) 153, 01.04.1999.

*UK*

*Kirin Amgen Inc. and others v. Hoechst Marion Russel Ltd.* UKHL 46 [2004], (2005) 38 GRURInt 4 343-350 (*'Kirin Amgen case'*).

US

*Lowell v. Lewis* 15 F. Cas. 1018 (CCD Mass. 1817).

*Powell v. Pennsylvania* 127 US 678 (1888).

*Wilson v. New* 243 US 332 (1917).

*Home Building and Loan Association v. Blaisdell* 290 US 398 (1934).

*Nebbia v. New York* 291 US 502 (1934).

*Precision Instrument Mfg. Co. v. Automotive Maintenance Machinery* 324 US 806 (1945).

*Georgia-Pacific Corp v. United States Plywood-Champion Papers* 318 F.Supp. 1116 6 USPQ 235 (SD NY 1970).

*Leesona Corp. v. United States* 599 F.2d 958 (Ct. Cl. 1979).

*Motorola Inc v. United States* 729 F.2d 765 (Fed Cir 1984).

*Roche Products Inc. v. Bolar Pharmaceutical Co.* 733 F. 2d 858 (Fed Cir 1984).

*Gargoyles Inc. and Pro-Tec, Inc. v. the United States* 113 F.3d 1572 (96-5089-5094).

*Hughes Aircraft v. United States* 31 Fed. Cl. 481 35 U.S.P.Q.2d (BNA) 1243 (1994).

*Hughes Aircraft v. United States* 86 F.3d 1566 (Fed. Cir. 1996).

*Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank* 527 US 627, 148 F.3d 1343 (1999).

*Merck KGaA v. Integra Lifesciences I Ltd* 331 F. 3d 860 (Fed Cir 2005).

*eBay Inc. v. MercExchange* 547 U.S. 388 (2006).

*Zoltek Corp. v. United States* 442 F.3d 1345 (Fed. Cir. 2006).