

Contents-Summary

Preface	V
Contributions	IX
Contents	XIII
Notes on the use	XIX
Abbreviations	XXI
Literature	XXIII
H – History of Article 69 EPC	1
I. Development of Art. 69 EPC up to 1973	1
II. Amendment of Art. 69 EPC within the framework of the 2000 Munich Diplomatic Conference	8
AT – The Austrian Practice	13
I. General	13
II. Article 69 EPC and Austrian interpretation practice	24
CH – The Swiss Practice	39
I. Introduction	40
II. The protection granted by the different patent categories	44
III. Determination of the scope of protection	55
IV. Different forms of infringement	65
V. Defence of free prior art	72
DE – The German Practice	73
I. Introduction	73
II. Determination of the scope of protection	78
III. So-called »Defense of the free state of the art«	100
FR – The French Practice	103
I. Introduction	103
II. Principles of interpretation	107
III. Significance of description and drawing for Interpretation	121
IV. Definition of scope of protection and the limits	123
V. Determination of Infringement	127
IT – The Italian Practice	139
I. Introduction	139
II. Interpretation criteria	143

NL – The Netherlands Practice	
About tough traditions and disappointing Dutch developments	165
I. Introduction	165
II. Scope of protection until 1978	167
III. Scope of protection since 1978	174
IV. Concluding remarks	195
SE – The Swedish Practice	199
I. Introduction	199
II. The principles of interpretation under Section 39 Patents Act and Art. 69 of the EPC	204
III. Different patent categories	211
IV. Interpretation criteria	213
V. Summary	216
UK – The Practice in the UK	219
I. Introduction: Patent litigation procedure in the UK	219
II. Different patent categories	226
III. Criteria for interpretation of patent specifications	229
IV. Judicial views of claims and the Protocol	234
C – Conclusion and Proposals for Greater Harmonization	251
I. Adaptation of national law to Art. 69	251
II. Interpretation principles	255
III. Equivalence	259
IV. Dependent inventions	267
V. Narrower interpretation than the wording?	270
VI. Prosecution history (file wrapper estoppel)	272
VII. Defense of prior art	275
VIII. Pioneer inventions	276
IX. Numerical features, ranges and dimensions	276
X. One-part and two-part claims	278
XI. Partial protection	278
XII. Outlook	281
List of leading cases by country	287
Index	299