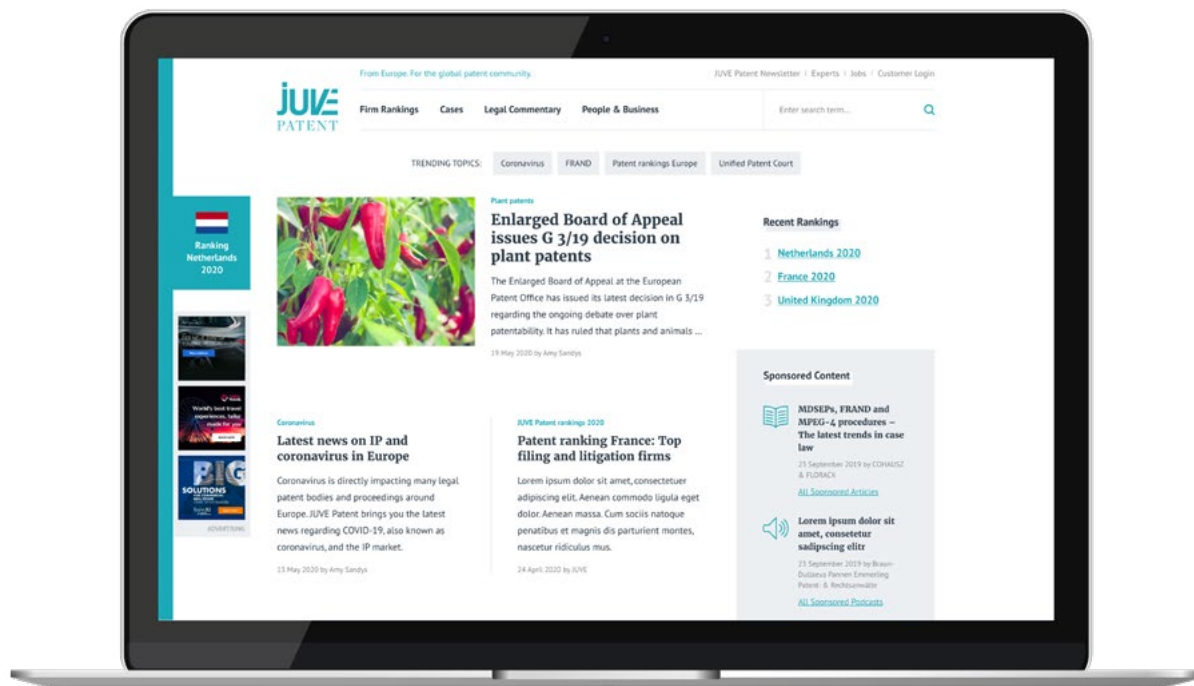


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JUVE Patent was launched in December 2018 as an extensive on-line platform with daily reporting on the European patent market. JUVE has been reporting on the UPC, the European Patent Office and developments in law firms and legal departments for twenty years – now also in English.

From current litigation and news from firms, to in-depth reports, rankings and market analysis, we provide daily coverage on the entire European patent market, with a strong focus on France, Germany, the Netherlands and the UK.

JUVE is a publishing house based in Cologne, Germany. It was founded in 1997 and provides high-quality journalistic analysis on a variety of legal and tax consulting fields.

It is our aim to inform lawyers and tax consultants in law firms, tax consultancies and companies reliably and independently about their own strengths and weaknesses, as well as general market and legal developments. This is what JUVE's team of full-time specialist journalists stands for.

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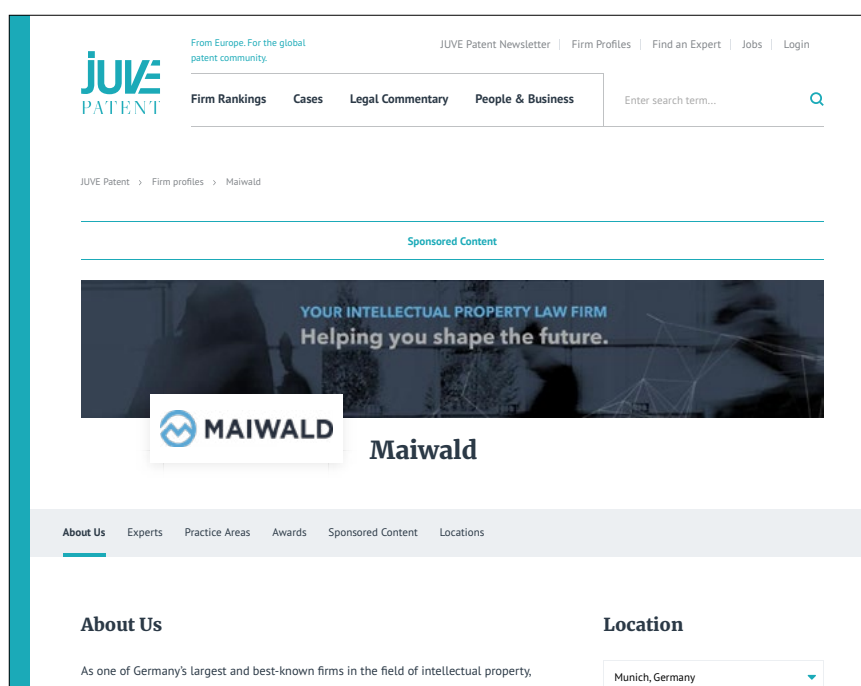
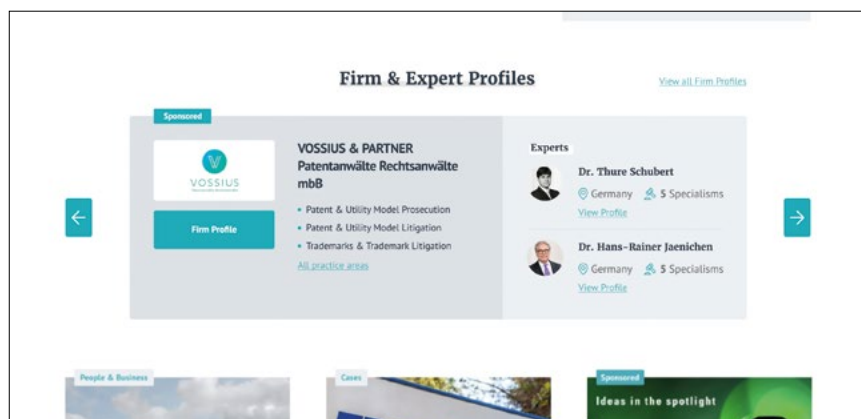
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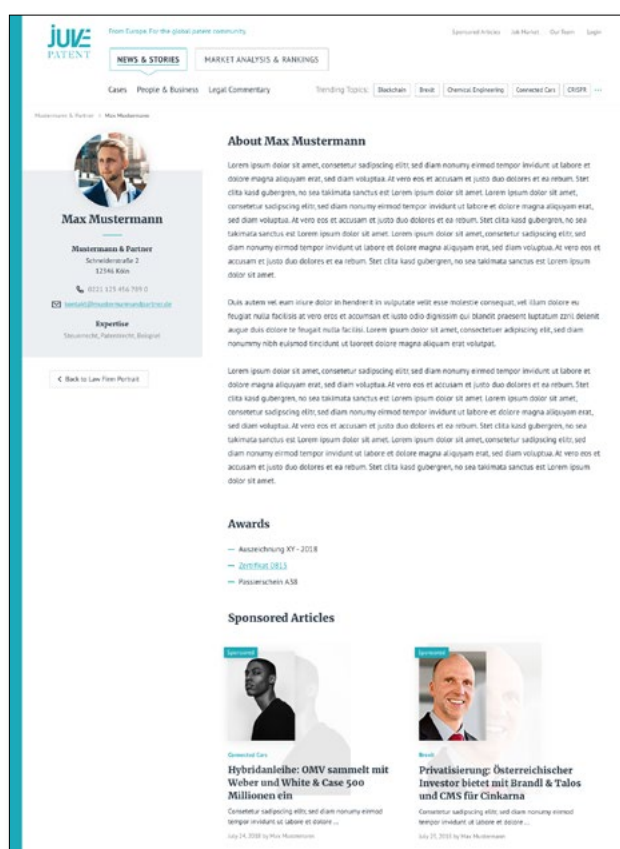
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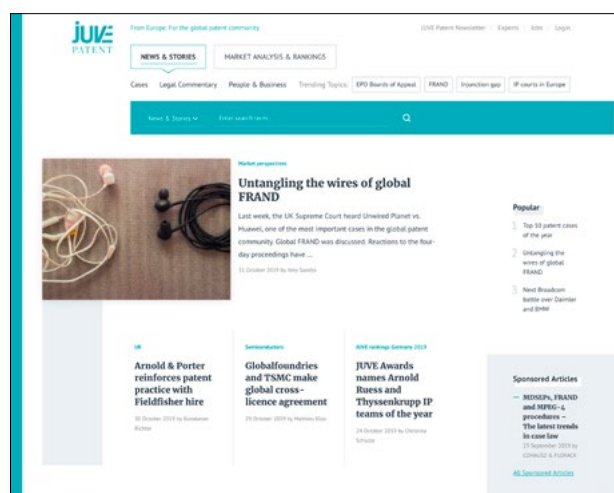
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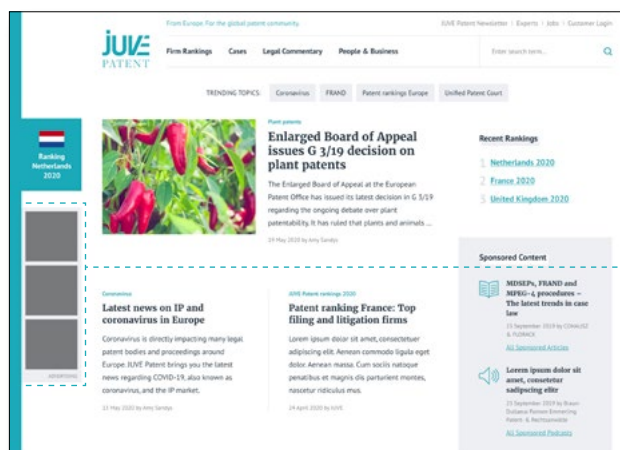
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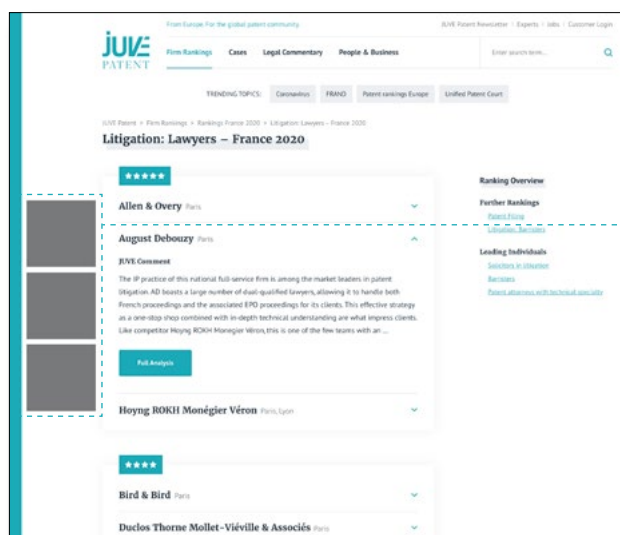
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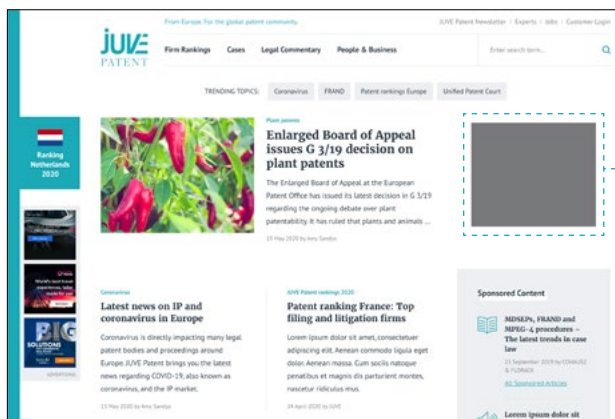
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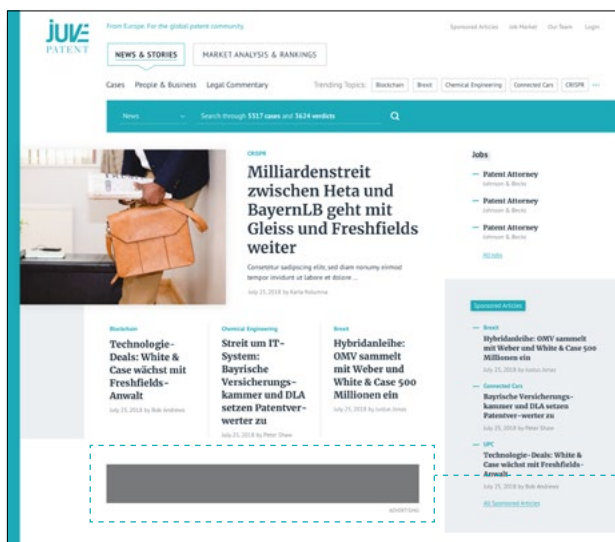
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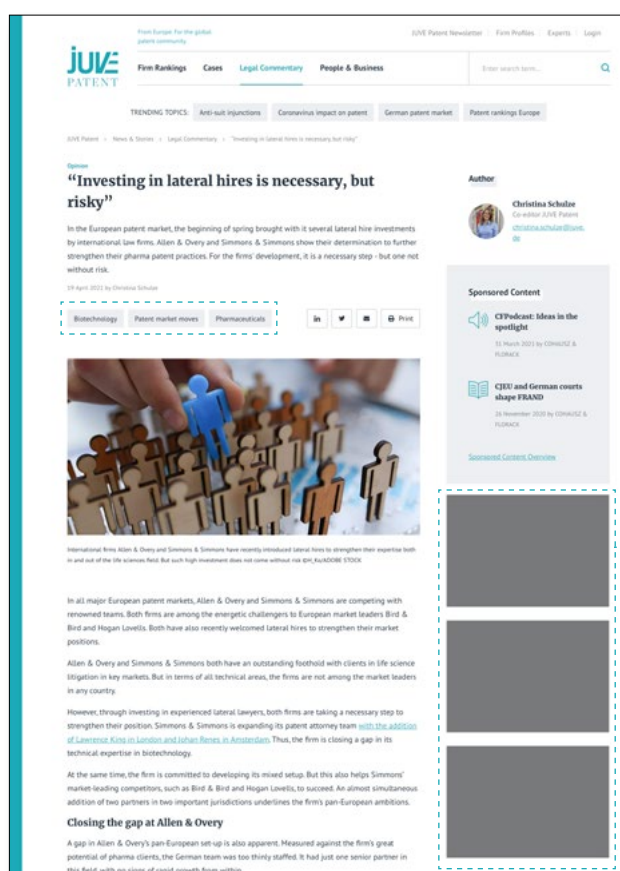
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Dear Reader,


On the surface, the Higher Regional Court Düsseldorf's ruling in Philips vs. TCT could be any other SEP case. But the senate, around judge Thomas Kühnen, has hinted that it may not follow the Federal Court of Justice's guidelines on FRAND in the future.

But, while most other German patent courts have followed the new case law since it was introduced last year, Kühnen and his senate are taking a different approach. Kühnen distinguishes between an implementer's "general" and "concrete" willingness to take a licence. If the implementer is "generally" willing to take a licence, then according to Kühnen, the court must examine whether the SEP holder's licence offer is FRAND.


In applying this differentiation, the renowned judge insists on an intermediate step in the so-called FRAND dance.

But it is not only Düsseldorf dealing with big issues in FRAND. Recently, courts across Germany have dealt with numerous telecommunications and licensing cases. The most prominent was the Mannheim Regional Court refusing Deutsche Telekom repayment of SEP licences from IPhone after the German company accused the NPE of discriminatory actions.


Enjoy this week's newsletter,


 *Amy Sandys*
Amy Sandys
Journalist


News & Stories




FRAND
Thomas Kühnen won't dance to the Federal Court of Justice FRAND tune
Düsseldorf Higher Regional Court has confirmed that TCL cannot sell MPEG-4 AAC standard-enabled smartphones or tablets in Germany. But its 2nd Civil Chamber indicates that this ruling could, in future, go against the accepted FRAND law of the Federal Court of Justice.
1 June 2022 by Mathieu Kios

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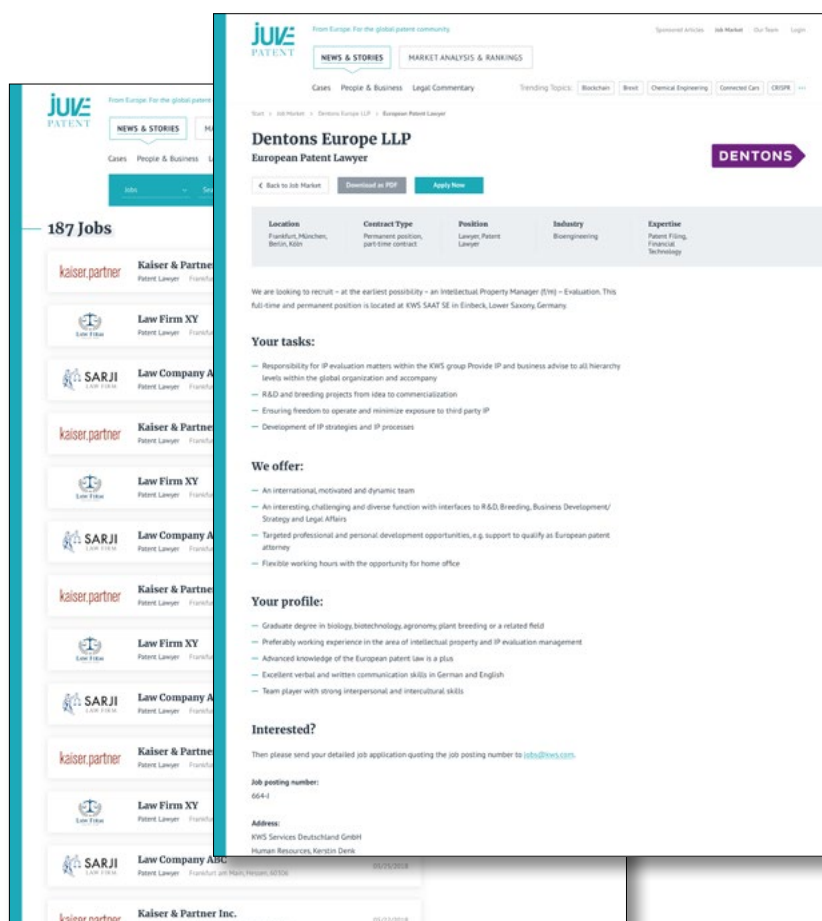
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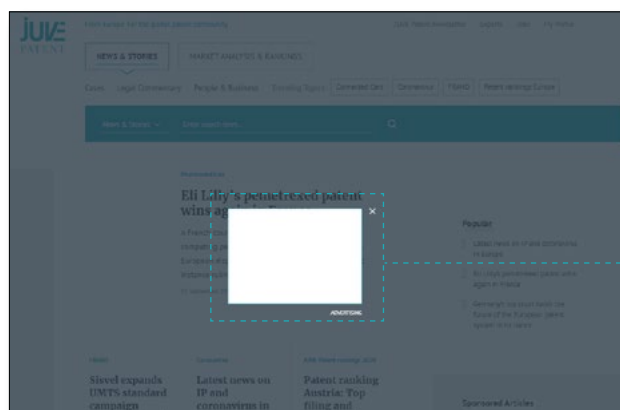
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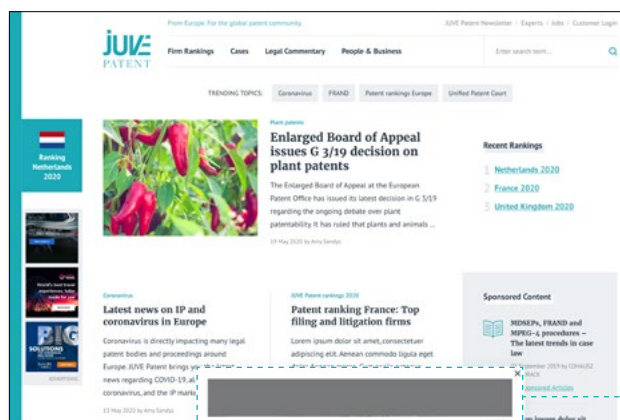
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