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The end of parallel trade with patented pharmaceuticals? : The Lelos Case and its compatibility with the principle of exhaustion

By Anja Balitzki

GRIN Verlag Okt 2009, 2009. Taschenbuch. Condition: Neu. Neuware - Seminar paper from the year 2009 in the subject Law - Media, Multimedia Law, Copyright, grade: 1,3, Carl von Ossietzky University of Oldenburg, language: English, abstract: The pharmaceutical sector is recently in the focus of the academic literature, as it becomes more and more an important topic on the European level. Especially the relationship between patent and competition law can lead to problems and is consistently discussed. In September 2008 the ECJ had to make a decision in a case between a pharmaceutical manufacturer and his distributors, in which both fields of law played an important role. Because of these recent developments the objective of this thesis is to analyse the current relation between patent and competition law by laying the emphasis on the phenomenon of parallel trade. This work will focus on the abovementioned Lelos Case and its implications for the principle of exhaustion. It does not deal with patent or competition law in detail, but contains the most important aspects in order to explain the consequences of the ECJ's decision. Furthermore, the aspect of costs for research and development cannot be described extensively, but will be mentioned with regard...



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