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(Information)

COURT OF JUSTICE

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Judgment of the Court (First Chamber) of 13 July 2006 (reference for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — Gesellschaft für Antriebstechnik mbH & Co. KG (GAT) v Lamellen und Kupplungsbau Beteiligungs KG (LuK)

(Case C-4/03) ⁽¹⁾

(Brussels Convention — Article 16(4) — Proceedings concerned with the registration or validity of patents — Exclusive jurisdiction of the court of the place of deposit or registration — Declaratory action to establish no infringement — Question of the patent's validity raised indirectly)

(2006/C 224/01)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Gesellschaft für Antriebstechnik mbH & Co. KG (GAT)

Defendant: Lamellen und Kupplungsbau Beteiligungs KG (LuK)

Re:

Reference for a preliminary ruling — Oberlandesgericht Düsseldorf — Interpretation of Article 16(4) of the Brussels Convention — Exclusive jurisdiction 'in proceedings concerned with the ... validity of patents' — Whether that covers a declaratory action to establish that a patent has (or has not) been infringed, in the course of which one party pleads that the patent is invalid

Operative part of the judgment

The Court:

Article 16(4) of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, as last amended by the Convention of 29 November 1996 on the Accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, is to be interpreted as meaning that the

rule of exclusive jurisdiction laid down therein concerns all proceedings relating to the registration or validity of a patent, irrespective of whether the issue is raised by way of an action or a plea in objection.

_____ ⁽¹⁾ OJ C 55, 8.3.2003.

Judgment of the Court (First Chamber) of 13 July 2006 (reference for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Roche Nederland BV, Roche Diagnostic Systems Inc., Roche NV, Hoffman-La Roche AG, Produits Roche SA, Roche Products Ltd, F. Hoffmann-La Roche AG, Hoffman-La Roche Wien GmbH, Roche AB v Frederick Primus, Milton Goldenberg

(Case C-539/03) ⁽¹⁾

(Brussels Convention — Article 6(1) — More than one defendant — Jurisdiction of the courts of the place where one of the defendants is domiciled — Action for infringement of a European patent — Defendants established in different Contracting States — Patent infringements committed in a number of Contracting States)

(2006/C 224/02)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicants: Roche Nederland BV, Roche Diagnostic Systems Inc., Roche NV, Hoffman-La Roche AG, Produits Roche SA, Roche Products Ltd, F. Hoffmann-La Roche AG, Hoffmann-La Roche Wien GmbH, Roche AB

Defendants: Frederick Primus, Milton Goldenberg