Germany

“Gear Hub III” (Nabenschaltung III)

**Patent Act, Sec. 12(1) third sentence; Utility Models Act,
Sec. 13(3)**

**Decision of the Federal Supreme Court (Bundesgerichtshof)
22 May 2012 – Case No. X ZR 129/09**

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- (a) The assignment of a separable part of a business is equivalent to the assignment of the (entire) business for the purpose of the acquisition of a right of prior use.
- (b) The transfer of a right of prior use together with a part-business is not excluded merely because the purchaser has part of the work necessary to manufacture the protected device carried out in third-party workshops, which might include those of its contract partner.

DW

Official headnotes.