Germany

“Gelomyrtol”

European Patent Convention, Art. 54(2); Patent Act, Sec. 3(1)

**Decision of the Federal Supreme Court (Bundesgerichtshof)
23 October 2012 – Case No. X ZR 120/11**

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A composition of ingredients that is available on the market is in any case not novel if a person skilled in the art can analyse the composition and reproduce it without unreasonable effort. In cases of a complex, not readily identifiable composition, this condition is fulfilled if the person skilled in the art can develop a limited number of plausible hypotheses regarding the possible make-up of the composition and can then verify one of them by the available analytic methods.

AF

Official headnote.