

France

“Bicycle”

Patent Act – *Mrc Remiller v. CycloEurope Industries and Patent Attorneys’ Firm X*

**Decision of the Paris District Court (Tribunal de grande instance)
9 April 2010**

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1. The impossibility of carrying out an invention must be understood both in technical and commercial terms. Impossibility is characterised by insurmountable difficulties, while problems in putting the invention to practice are incumbent on the licensee.
2. Where the licensing agreement entitles the licensee to pursue all pending patent applications outside France, the licensee acts as an intermediary of the patentee. A European patent attorney who receives instructions from the licensee to withdraw a European patent application thus has the duty to inform the licensor prior to withdrawing such application.

Summarised from the original. CH.
