

## Limitations of the Patent Law

### 1. Exhaustion

With the first marketing of the patented product, the right of prohibition is exhausted within the entire European Union (Union-wide exhaustion). Unlike in copyright law (Sec. 17 (2) UrhG) and trade mark law (Sec. 24 MarkenG), the principle of exhaustion is not explicitly mentioned in the statutes, but it is generally recognized.

### 2. Exceptions to the exclusive right under Sec. 11 PatG

- a) Acts done privately and for non-commercial purposes (No. 1)
- b) Acts for experimental purposes (No. 2)
- c) Breeding, discovery and development of new plant varieties (No. 2a)
- d) Studies and experiments for medicinal products (No. 2b)
- e) Pharmaceutical preparations in pharmacies (No. 3)
- f) Foreign ships (No. 4)
- g) Foreign aircrafts or land vehicles (No. 5, No. 6)

### 3. Right of prior use, Sec. 12 PatG

### 4. Compulsory license, Sec. 24 PatG