

Patent Disclosure Requirements in Israel Legal Framework and Case Studies

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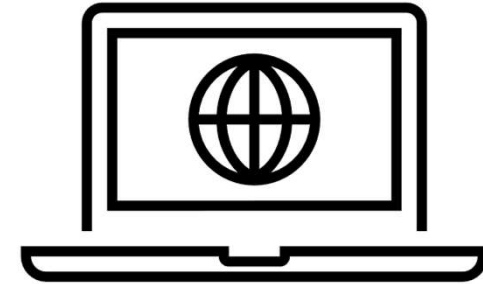
Legal Framework

- Section 18 & 18A: Obligations and scope of disclosure.
- Section 18C: Misleading information and sanctions.



Netfree v. Netspark

- Allegations: Failure to disclose prior art.
- Court's Finding: Patent upheld despite non-disclosure; no willful intent to mislead.



Sanofi v. Unipharm

○ Key Findings:

- Sanofi intentionally misled the PTO.
- Unjust enrichment claim allowed based on misleading disclosure.

○ Consequences:

- Compensation based on Sanofi's profits.
- Independent proceedings for unjust enrichment.

State of Israel
Patent Office

מדינת ישראל
רשות הפטנטים

Patent Specification

פירוט פטנט

[11] Application No:	139790	מספר בקשה:
[22] Date of application:	10/06/1999	תאריך הבקשה:
[86] International Application No:	PCT/FR/1999/001371	בקשת פטנט בינלאומי מס':
[87] International Publication No:	WO/1999/065915	פרסום בינלאומי מס':
[85] National Phase Entry:	20/11/2000	כניסה לשלב הלאומי:
[54] POLYMORPHIC FORM OF CLOPIDOGREL HYDROGEN SULPHATE		צורה פולימורפית של קלופידוגרל מימן סולפאט

Priority Right:	[33]	FR [31]	98/07464	[32]15/06/1998	דיו קדימה:
[71] Patentee (s):	SANOFI AVENTIS Customer No: 519741 174 AVENUE DE FRANCE 75013 PARIS France				בעל (י) הפטנט:

Lessons and Implications from Recent Case Law

- **Breach of Fairness Duty:**

- Misleading the PTO can lead to financial liability.
- Duty to act in good faith during the application process.



- **Unjust Enrichment Claims:**

- Competitors may file proceedings to recover profits unjustly gained.
- Liability is based on intentional misconduct and causation.

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