

Samsung loses Dutch bid to ban Apple products

Greg Roumeliotis and Gilbert Kreijger, Reuters

A Dutch court on Friday turned down Samsung Electronics' request for an injunction against all of Apple's mobile products that use 3G telecommunications technology, denying it revenge over a similar move by Apple.

The two technology giants have been locked in an acrimonious battle in 10 countries involving smartphones and tablets since April. Four patent infringement cases launched by Samsung against Apple were filed in the Netherlands alone.

A court in The Hague on Friday dismissed Samsung's claims of patent infringement by Apple, scuppering its bid to ban the sale of iPhones and iPads in the Netherlands. It also rejected Apple's counterclaims in the case.

"A win for Apple but also relief for the industry because the judge upheld widespread understanding of fair, reasonable, and non-discriminatory (FRAND) terms in the use of patents," independent intellectual property expert Florian Mueller said.

On Friday, the Dutch court found that Samsung's 3G patents were part of essential standards which should be open to license under FRAND and that the two companies should negotiate an agreement.

The ruling is a blow to Samsung, which has filed patent-infringement claims in France and Italy in order to ban the sale of the iPhone, just as Apple has started marketing the latest edition of the popular gadget, iPhone 4S.

"Apple will be taking French and Italian translations of the Dutch ruling with it. This makes it a long shot for Samsung that it could win an injunction in the EU based on its 3G patents," Mueller said.

Apple has filed its own lawsuits in several countries, arguing that Samsung's Galaxy line of mobile phones and tablets "slavishly" copied its iPhone and iPad.

Earlier this month, Samsung was forced to upgrade three of its smartphones to get around temporary sales bans on earlier versions of products that a Dutch court said violated an Apple patent.

(Editing by Sara Webb and Helen Massy-Beresford)

Source URL (retrieved on 01/26/2015 - 11:10pm):

<http://www.ecnmag.com/news/2011/10/samsung-loses-dutch-bid-ban-apple-products>