**18th February 2020**

**Düsseldorf Appeal Court rejects Nazdar appeals and fully confirms two 2018 judgements issued in Fujifilm’s favour**

*Court finds for patent infringement by Nazdar’s 702 & 703 UV inkjet inks in Germany, and Federal Patents court in Munich meanwhile further confirms patent validity.*

On November 14, 2019, the Higher Regional Court of Düsseldorf, Germany fully confirmed two judgements issued on September 13, 2018 by the Regional Court of Düsseldorf against Nazdar’s UV inkjet inks 702 & 703 Series and rejected Nazdar’s and its German distributor Zaro’s respective appeals (docket nos. I-15 U 71/18 and I-15 U 72/18).

Mr Rob Fassam, R&D Director at Fujifilm Specialty Ink Systems (FSIS) comments: “I am delighted that the Higher Regional Court in Düsseldorf has confirmed our position and the first instance judgement. This sends a clear message to anyone thinking of infringing our intellectual property”.

In 2017 FSIS had filed suit against Nazdar Co., US and Nazdar Limited, UK as well as its German distributor Zaro GmbH before the Regional Court Düsseldorf for infringement of its UV ink patents EP 1 803 784 B3 and EP 2 383 314 B3 in Germany by offering its 702 & 703 UV inkjet ink Series claimed to be chemically compatible with the original inks for Océ Arizona and Fujifilm Acuity printers.

The patents protect specific inkjet ink compositions, providing a range of properties including improved flexibility, jetting performance and adhesion.

In first instance, the Regional Court of Düsseldorf issued injunctions against Nazdar and Zaro. In reaction to FSIS’s patent claims, Nazdar changed the chemical composition of its UV inkjet inks. However, Nazdar continued to market its UV inkjet inks as 702 & 703 Series, and also further failed to indicate to customers the change in chemical composition in a way that FSIS considered necessary to avoid patent infringement.

Upon appeal by Nazdar/Zaro, the Higher Regional Court of Düsseldorf has fully confirmed the first instance judgement. Nazdar and Zaro therefore remain injuncted from offering, bringing into the market and use of patent infringing UV inkjet inks in the future in Germany and are sentenced to pay damages and render account. Furthermore, the Appeal Court upheld the first decision in that the change in chemical composition of the 702 & 703 Series is not sufficient to avoid infringement if Nazdar continues to market their UV inkjets inks as 702 & 703 Series without sufficient indication of the product change.

Finally, while without prejudice for the nullity proceedings filed by Nazdar against the patents before the German Federal Patents Court in Munich, the Higher Regional Court in Düsseldorf, like the first instance decision, did not follow Nazdar’s invalidity arguments and therefore rejected Nazdar’s motion to stay its decision. Meanwhile and in line with that, with judgement of January 14, 2020, the Federal Patent Court has also rejected the first nullity action of Nazdar against EP 1 803 784 B3 and fully upheld the patent (docket no. 3 Ni 2/19). The nullity action against the second patent EP 2 383 314 B3 will be heard on February 18, 2020 (docket no. 3 Ni 5/19). Due to the decision to uphold the first patent, FSIS is confident that the Federal Patents Court will similarly also uphold the second patent.

In the infringement proceedings, the Düsseldorf Appeal Court has not admitted a further appeal against its decision. Nazdar/Zaro may now only file an appeal against this decision of non-admittance within one month after service. However, even in such case the judgements remain enforceable without any further prerequisites. In the nullity proceedings before the Federal Patents Court in Munich, Nazdar may file appeals, but again FSIS is confident that, should such appeal be lodged, it would remain unsuccessful.

Mr Rob Fassam: “We invest significant time and resource developing new and exciting technology that benefits the inkjet industry. We will continue to protect our investment by filing patents that cover our technology and will take appropriate action against those who infringe.”

FUJIFILM Speciality Ink Systems Limited is the Technology Center of Excellence for UV curable ink within the FUJIFILM Inkjet Business Division. Its core skills are the development and manufacture of high performance UV curing inks that are used in many of the world’s leading printers.

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**About FUJIFILM Corporation**

FUJIFILM Corporation is one of the major operating companies of FUJIFILM Holdings. Since its founding in 1934, the company has built up a wealth of advanced technologies in the field of photo imaging, and in line with its efforts to become a comprehensive healthcare company, Fujifilm is now applying these technologies to the prevention, diagnosis and treatment of diseases in the Medical and Life Science fields. Fujifilm is also expanding growth in the highly functional materials business, including flat panel display materials, and in the graphic systems and optical devices businesses.

**About Fujifilm Graphic Systems**

Fujifilm Graphic Systems is a stable, long term partner focussed on delivering high quality, technically advanced print solutions that help printers develop competitive advantage and grow their businesses. The company’s financial stability and unprecedented investment in R&D enable it to develop proprietary technologies for best-in-class printing.  These include pre-press and pressroom solutions for offset, wide-format and digital print, as well as workflow software for print production management. Fujifilm is committed to minimising the environmental impact of its products and operations, proactively working to preserve the environment, and strives to educate printers about environmental best practice. For more information, visit [www.fujifilm.eu/eu/products/graphic-systems/](http://www.fujifilm.eu/eu/products/graphic-systems/), or [www.youtube.com/FujifilmGSEurope](http://www.youtube.com/FujifilmGSEurope) or follow us on @FujifilmPrint

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