
[Court of Justice clarifies exhaustion in plant varieties rights](#)

In a recent judgement given on questions referred by the Belgian "Cour de Cassation", the Court of Justice of the EU has clarified the right of a plant varieties right holder to bring an action against a third person who has obtained plant material from a licensee.

The Court stated that a plant varieties right holder can bring an action against a third person as long as the conditions or limitations set out in the licensing contract are contravened by that third party, to the extent that such conditions and limitations directly relate to the essential features of the holder's right. The Court went on affirming that the third party's awareness of the licence's conditions and limitations does not in principle play any role in the assessment of an infringement, since the third party's intention or negligence are sufficient to allow the right holder to bring an action.

To read the decision, please click [here](#)

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Court of Justice of the EU, www.curia.europa.eu

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