



Press release  
For immediate release

Thursday, 13<sup>th</sup> April 2006

### **Advocate-General announces favourable opinion on repackaging medicines**

The British Association of European Pharmaceutical Distributors (BAEPD) said the latest published opinion by the Advocate-General, if upheld by the European Court of Justice, will clarify the rules on repackaging of medicines by parallel distributors. It could also ultimately result in more parallel imports being reboxed, rather than overstickered.

The long-running dispute centres on the issue of trademark rights. Manufacturers have traditionally used the complexities of trademark law to object to proposed medicines reboxing by importers.

In this case, manufacturers including Boehringer Ingelheim and Glaxo SmithKline objected to specific repackaging styles adopted by parallel distributors Medihealth and Dowelhurst.

BAEPD Secretary General Richard Freudenberg said that after reviewing the evidence, the A-G had concluded that de-branding or co-branding of medicines was not necessarily harmful to the reputation of the trademark owner.

“The opinion makes it clear that manufacturers must prove that reboxing has caused serious damage to their reputation. The UK Court of Appeal had previously found no such harm arose out of any of the styles adopted by Medihealth and Dowelhurst,” Mr Freudenberg said.

The issue of repackaging has a long legal history, with this case dating back to 1999. Mr Freudenberg says the latest opinion is a valuable and positive step forward in helping establish clear parameters for all parties.

“This opinion sets out clear principles, which can potentially be applied in national courts in future,” he said.

“We feel this will encourage more reboxing of medicines, which has been consistently shown to be preferred by customers and has the support of other industry stakeholders, including the BAPW (British Association of Pharmaceutical Wholesalers).”

The case will now be considered by the European Court of Justice. Although the Advocate-General's decision is not binding on the Court, in four out of five cases the advice is backed up by the ECJ.

ENDS

#### Notes to Editors

1. The case number is C-348/04

2. The British Association of European Pharmaceutical Distributors (BAEPD) is the industry body currently representing 14 of the largest licensed parallel distributors in the UK. These companies represent around 70 per cent of the UK market. The BAEPD is responsible for the promotion, protection and development of the interests of its members importing pharmaceuticals into the United Kingdom from elsewhere within the European Union, and fostering the highest professional standard of practice and conduct amongst its members.

#### **Media contacts:**

Richard Freudenberg, 01302 885704 or Kathryn Ager, 020 7861 3116