

# Dutch court refuses to ban iPhone, iPad sales

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A Dutch court refused Friday to grant Samsung an injunction banning Apple from selling iPhones and iPad tablets in the Netherlands, dealing the South Korean electronics giant a defeat in its global patent battle with its American rival.

The civil court in The Hague rejected Samsung's argument that Apple should not be allowed to sell devices such as tablets and smartphones that use 3G mobile technology patented by Samsung because the Cupertino-based company does not have licenses to use the technology.

In Friday's ruling, the court said that because the [3G technology](#) has been accepted as an industry standard Samsung is obliged to offer Apple licenses under "fair, reasonable and nondiscriminatory" - or FRAND - terms.

The court said in a statement that the licensing fee Samsung sought from Apple "was so far out of step with the obligation to make a FRAND offer that it can be concluded that Samsung is not genuinely prepared to enter a FRAND license agreement with Apple."

The ruling added that if Samsung makes Apple a fair and reasonable offer for a license fee and the companies still cannot reach agreement then Samsung can file a fresh patent dispute injunction request.

At a hearing last month, Apple lawyer Rutger Kleemans claimed Samsung sought the injunction to "hold Apple hostage" because Apple had accused Samsung of copying its iPhone and iPad designs in a

separate Dutch case.

"It's a holdup," Kleemans said. "Because Apple dared to take action against Samsung's copycat tactics."

In April, Apple Inc. sued Samsung in the United States, alleging the product design, user interface and packaging of Samsung's Galaxy devices "slavishly copy" the iPhone and iPad.

[Samsung Electronics](#) Co., based in Suwon, South Korea, fought back with lawsuits of its own, accusing Apple of [patent infringement](#) of its [wireless telecommunications](#) technology.

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