

**BORENIUS**

## Ben Rapinoja

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Ben is a renowned litigator in patent, trademark and intellectual property matters in Finland and an expert in the field of intellectual property, technology law and Market Court proceedings. Ben advises on contractual and licensing arrangements, brands and marketing law related matters, commercial disputes, and corporate transactions in electronics and high-tech industries. His expertise also covers legal issues related to the pharmaceutical industry, health technology and life science sectors.

Ben has extensive experience in patent and intellectual property litigation as well as in contractual disputes and arbitration proceedings concerning ICT and high-tech companies. Various international publications (Chambers, The Legal 500, IAM 250, WTR 1000) regard him as one of the leading legal experts in Finland in the field of intellectual property and litigation.

Ben heads the firm's **Intellectual Property** (<http://www.borenius.com/services/intellectual-property/>) team.

## Rankings

### Chambers Europe & Global

- IP
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### **Chambers Europe & Global**

*“He appreciates the wider strategy when running Finnish litigation and provides clear advice on what arguments are likely to sit well.”*

*“He can provide concise, on-the-spot answers and a good picture of the strengths and weaknesses relating to the claims.”*

*“Highly professional, very smart, a great litigator with great experience.”*

*“Absolutely fantastic.”*

### **The Legal 500**

- IP

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### **The Legal 500**

*“Practical advice, great expertise, ability to think of consequences on a larger scale.”*

### **Lexology Index**

- Life Sciences – Patent Litigation
- Life Sciences – Regulatory
- Life Sciences – Transactional
- Patents
- Trademarks

### **IAM Patent 1000**

- Patent Litigation

### **WTR 1000**

- Trademarks: Enforcement and litigation

### **Managing Intellectual Property: IP Stars**

- IP Star

## WIPR Leaders

- Patents, Trademarks

## Selected References

- Advised and represented Teva Pharmaceuticals in a patent and supplementary protection certificate (SPC) dispute relating to blockbuster diabetes drug Janumet® combining sitagliptin and metformin. Merck had obtained an SPC for the combination of the active ingredients sitagliptin (phosphate monohydrate) and metformin (hydrochloride) which Teva sought to invalidate under the SPC Regulation (EC) No 469/2009. The case concerned a cross-border dispute also pending in other major European countries and it was subject to significant jurisprudential and commercial interest as the Market Court referred the matter for the preliminary ruling (Case C-119/22) by the EU Court of Justice (CJEU). The CJEU gave its judgement for the preliminary ruling in the joined cases C-119/22 and C-149/22 (Teva v Merck Sharp Dohme and Merck Sharp Dohme v Clonmel Healthcare) in December 2024. The proceedings at the Market Court continued until the case was settled in 2025.
- Advised and represented Teva Pharmaceuticals on a patent dispute before the Finnish Market Court concerning Bristol-Myers Squibb's ("BMS") patent and SPC for the blockbuster anticoagulant drug apixaban, marketed under the brand name Eliquis®. The Market Court handed down a ruling in the joined invalidity and infringement cases in May 2024 declaring BMS' patent and related SPC invalid and dismissing BMS' infringement action against Teva. Consequently, the preliminary injunction imposed against Teva was cancelled.
- Advised and represented OPPO, a leading global smart device brand, and its subsidiary OnePlus Technology, a globally operating consumer electronics manufacturer, on their standard essential patent litigation against Nokia Corporation. The dispute related to multiple patents-in-suit and 4G/5G telecommunications standard and FRAND (fair, reasonable and non-discriminatory) license terms in between the parties.
- Advised and represented TomTom International, a leading location technology service provider, listed on Euronext Amsterdam in the Netherlands, in a patent dispute against Nokia Corporation. The Finnish Market Court dismissed Nokia's action without considering its merits in accordance with the request from TomTom and a co-defendant.
- Advised and represented Mylan before the EU Court of Justice in case C-473/22 (Mylan v. Gilead and Others) in which the Court of Justice handed down its judgement in January 2024. The case concerned the Finnish compensation regime that can be invoked when a preliminary injunction is found to have been unfounded. This compensation regime is based on the concept of strict liability.
- Advised Detection Technology on various complex matters relating to intellectual property rights, research and development, technology transfer and manufacturing in

the MEMS sensor technology, including contractual matters, transactions and patent law advice.

- Advised and represented SodaStream, a globally renowned manufacturer and seller of home carbonation machines, in a trademark infringement dispute before the Court of Justice of the European Union in the case C-197/21 (SodaStream v. MySoda). The case relates to the so-called exhaustion of trademark rights; a legal principle fully harmonized within the EU. The case is of particular interest as the EU Court of Justice clarified the trademark proprietor's legitimate reasons to oppose further commercialization of its branded goods even in the situation where the trademark proprietor's exclusive trademark rights would have been consumed, and the principle of exhaustion would be applied. The same dispute was pending also before the Finnish Supreme Court which confirmed the counterparty's trademark infringement in its ruling (case KKO:2023:87).
- Advised and represented Teva in a patent and SPC dispute before the Finnish Market Court concerning Gilead Sciences' SPC covering the HIV blockbuster drug Truvada®. The Market Court accepted Teva's invalidity claim and declared Gilead's SPC invalid. The dispute was closely related to the landmark EU Court of Justice case C-121/17 (Teva UK and Others).
- Advised and represented Vaisala, a global leader in the field of environmental and industrial measurement technology, in a patent dispute before the Finnish Market Court. The dispute concerned a European patent on a weather radar technology used in meteorological observations. Vaisala won the case, and the patent-in-suit was revoked.
- Advised and represented Orifarm, Denmark's largest supplier of pharmaceuticals, in a trademark dispute concerning the packaging of pharmaceutical products. The court rejected all claims of the counterparty and awarded damages to Orifarm due to the unnecessary preliminary injunction granted in the matter. In the appeal proceedings, the first instance judgement was held and it was confirmed that Orifarm's packaging fulfilled the requirements for repackaging of pharmaceutical products under the practice of the Court of Justice of the European Union (the so-called BMS criterion).
- Advised and represented Hospira, the world's leading provider of injectable drugs and infusion technologies, in a complex patent litigation case regarding medicine docetaxel with a commercial value of several millions of euros. Outcome of the dispute was that the adverse party's patent-in-suit was revoked and Hospira's product was confirmed to be non-infringing.
- Advised and represented successfully a major Nordic insurance company in complex and extensive arbitration proceedings against one of the largest Nordic IT system suppliers in a dispute involving an interest of several millions of euros concerning the failed supply of an IT system.

## Career

- Partner, Borenium, 2006–

- Associate lawyer, Borenus, 2000–2005
- Governmental Secretary, Ministry of Trade and Industry, 1997–1999
- Notary, District Court of Helsinki 1996–1997
- Legal adviser, Governmental Secretary, Ministry of Trade and Industry, 1993–1996

## Education

- Bar Admission, 2002, Helsinki, Finland
- Trained on the bench, 1997, District court of Helsinki, Finland
- Master of Laws, 1993, University of Helsinki, Finland

## Languages

- Finnish, English, Swedish