

News Release

Your Contact

Markus Talanow +49 6151 72-7144
Investor Relations +49 6151 72-3321

April 14, 2016

Merck KGaA, Darmstadt, Germany, Responds to Legal Claims in the U.S.

- **Merck KGaA, Darmstadt, Germany, today filed its Answer in response to trademark right violation claims made by MSD**
- **Merck KGaA, Darmstadt, Germany, committed to protecting its brand and reputation**

Darmstadt, Germany, April 14, 2016 – Merck KGaA, Darmstadt, Germany, a leading science and technology company, today filed its Answer in the U.S. District Court for the District of New Jersey in response to trademark right violation claims made by US-based Merck Sharp & Dohme Corp (MSD).

According to the coexistence agreement signed between Merck KGaA, Darmstadt, Germany, and MSD in 1970, the company was allowed to use in the United States and Canada its trade name, which at the time was "E. Merck", along with the geographic identifier "Darmstadt, Germany." When E. Merck changed its name to "Merck KGaA" following a public listing in 1995, MSD agreed to allow the company to use "Merck KGaA, Darmstadt, Germany" in the U.S. and Canada, a practice it is now challenging following more than 20 years of consent.

Merck KGaA, Darmstadt, Germany, has been committed to complying with the terms of the coexistence agreements, implementing tools such as geo-targeting to ensure compliance in the digital age. The English first instance Court found that MSD has breached Merck KGaA, Darmstadt, Germany's rights by using the term "Merck" (alone) in the U.K. as a trademark or a name, online and offline, and set out the relief it would grant to prevent such use.

Page 1 of 2



Merck KGaA
Frankfurter Strasse 250
64293 Darmstadt · Germany
Hotline +49 6151 72-5000
emdgroup.com

Head Media Relations -62445
Spokesperson: -9591 / -7144 / -6328
Fax +49 6151 72 3138
media.relations@emdgroup.com

News Release

"We are committed to protecting our brand and reputation, and to complying with our existing agreement with MSD and MSD's trademark rights in the United States," said Friederike Rotsch, Group General Counsel at Merck KGaA, Darmstadt, Germany. "We are therefore well prepared to defend our case in front of the U.S. courts and confident that the courts will rule in our favor, as they also have done in the U.K. and in France."

For the response as well as further information on the legal proceedings click [here](#).

All Merck KGaA, Darmstadt, Germany, press releases are distributed by e-mail at the same time they become available on the EMD Group Website. In case you are a resident of the USA or Canada please go to www.emdgroup.com/subscribe to register again for your online subscription of this service as our newly introduced geo-targeting requires new links in the email. You may later change your selection or discontinue this service.

Merck KGaA, Darmstadt, Germany, is a leading science and technology company in healthcare, life science and performance materials. Around 50,000 employees work to further develop technologies that improve and enhance life – from biopharmaceutical therapies to treat cancer or multiple sclerosis, cutting-edge systems for scientific research and production, to liquid crystals for smartphones and LCD televisions. In 2015, Merck KGaA, Darmstadt, Germany, generated sales of € 12.8 billion in 66 countries.

Founded in 1668, Merck KGaA, Darmstadt, Germany, is the world's oldest pharmaceutical and chemical company. The founding family remains the majority owner of the publicly listed corporate group. Merck KGaA, Darmstadt, Germany, holds the global rights to the Merck KGaA, Darmstadt, Germany, name and brand. The only exceptions are the United States and Canada, where the company operates as EMD Serono, MilliporeSigma and EMD Performance Materials.