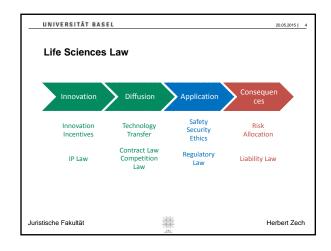
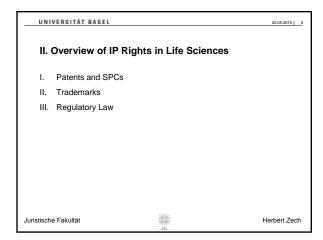
UNIVERSITÄT BASEL 20.05.2015 | 1 Intellectual Property, **Contracts and Disputes in Life Sciences** WIPO Conference on IP Dispute Resolution in Life Sciences, Basel, 22 May 2015 Juristische Fakultät Herbert Zech UNIVERSITÄT BASEL 20.05.2015 | 2 Intellectual Property, Contracts and Disputes in Life I. Overview of Life Sciences Areas II. Overview of IP Rights in Life Sciences III. Legal Developments (which may lead to an increased number of disputes) Juristische Fakultät Herbert Zech UNIVERSITÄT BASEL 20.05.2015 | 3 I. Overview of Life Sciences Area Pharma Crops Organisms as tools or objects of treatment in science and technology Juristische Fakultät





III. Legal Developments (which may lead to an increased number of disputes)

Pharma: Second Generation Patents, Increasing Influence of Regulatory Law

Crops: Smart Breeding, Patent Pools

Juristische Fakultät

Herbert Zech

"Second Generation" Patents (especially second medical use) Lile cycle management: Exply of major drug substance patents leads to improved second generation patents - Treatment regimes - Suitable patient; patient sub-groups - Dosage from (tablets capatus, imjections etc.) - Manufacturing processes - Different satt forms - Metabolites and combination products - Racemic mixture v, enantiomer  - Metabolites and combination products - Racemic mixture v, enantiomer  - Metabolites and combination products - Racemic mixture v, enantiomer  - Occased folds Mastering Authorisation and "Line Extensions"?  - Compete Global Mastering Authorisation Art & Disease 2001-83EC - In over everymenting of protection! - In operation of Global Mastering Authorisation and extension of the patients of the patient		
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# Patents for plant products: Tomatoes II (G2/12) / Broccoli II (G2/13)



- EPO EBA has declared that plants or seeds obtained through conventional breeding methods are patentable
- EBA stated that: "The mere fact that an applicant or patent proprietor
  chooses a product claim or product-by-process claim instead of a
  method claim directed to an essentially biological process for the
  production of a plant is not a matter of some sort of 'skilful claim
  drafting' or circumvention of legal hurdles but a legitimate choice to
  obtain patent protection for the claimed subject-matter, on condition that
  the requirements for allowability of such a claim are met."
- "The exclusion of essentially biological processes for the production of plants in article 53(b) EPC does not have a negative effect on the allowability of a product claim directed to plants or plant material such as plant parts."

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# And there is more....

- "Cross Label Use"
- SPC (CJEU C-210/13, C-484/12, C-443/12, etc.)
- Personalised Medicine, patenting diagnostic kits/methods
- Biologicals/Biosimilars (INN, Extrapolation)

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# Thank you for your attention! Juristische Fakultät \*\*Herbert Zech\*\*