

Edited by Marco Stief and Dirk Bühler

Supplementary Protection Certificates

A Handbook

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Supplementary Protection Certificates Marco Stief

Duncan Matthews, Paul Torremans



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SPC - Supplementary Protection Certificates Marco Stief, Dirk Bühler, 2013 *Blocking Patents in European Competition Law* Angelika S. Murer, 2021-12-03 In practice and jurisprudence in European competition law it is especially difficult to define the boundaries of patent abuse as an offence In this thoroughly researched book the author answers the question of when and how an application for a blocking patent can amount to an abuse of a dominant position under Article 102 TFEU Drawing on legal literature and European Union EU case law the presentation analyses a constellation of blocking patenting strategies and proposes potential remedies where abuse is involved With detailed descriptions of the characteristics of potentially abusive and non abusive behaviour regarding applications for blocking patents the book provides the following and more a comprehensive analysis of the case law of the EU courts on the abuse of a dominant position in cases which involve intellectual property rights insights on how patenting strategies affect competition with a particular focus on the application of blocking patents an overview of the developments in doctrine and practice which led to the current understanding of the seemingly conflictual goals of competition and intellectual property law and insights on the difficulties of defining relevant markets and establishing whether an undertaking holds a dominant position The book illustrates the mechanisms of blocking patenting strategies with examples from the pharmaceutical industry because blocking strategies have particular relevance in applying for patents in that context A test scheme for analysing the application of a blocking patent under Article 102 TFEU is included Additionally the book provides an outlook on the topic of patents and shortages of supply in light of the COVID pandemic Practitioners and policymakers requiring an understanding of the conceptual framework of the abuse concept within EU competition law and how it relates to patent strategies will welcome this invaluable book They will not only be able to set the conduct of applying for blocking patents into the Article 102 TFEU context but also have decisive tools to approach questions on the intersection of patent law and competition law in the EU

Supplementary Protection Certificates Marco Stief, Dirk Bühler, 2016-01-14 The supplementary protection certificate SPC prolongs the term of patents for pharmaceutical products for a maximum of five additional years The SPC s legal bases are two European SPC Regulations and the SPC is based upon European or national patents SPCs protect some of the most valuable products in the pharmaceutical industry where each day of additional protection may be worth millions of Euros Despite the economic relevance SPCs have obtained in recent years there exists only limited detailed literature on the subject German jurisprudence on SPCs is of special importance as this has often been the basis for decisions of the European Court of Justice ECJ and the German market is one of the leading markets for pharmaceuticals and thus for SPCs This book is addressed to patent attorneys in particular in house and external working for pharmaceutical companies and attorneys at law specialising in patent law especially in Europe but essentially worldwide

The Unitary Patent Package & Unified Patent Court Luc Desaunettes-Barbero, Fernand de Visscher, Alain Strowel, Vincent Cassiers, 2023-06-09 As of 1st of June

2023 after years of negotiations setbacks and postponements the Unitary Patent Package UPP enters into force the European patent with unitary effect EPUE becomes a reality and the Unified Patent Court UPC starts its activities Regrettably the patent regime put in place is not a genuine EU system Adopted through an enhanced cooperation procedure it firstly does not include all EU Member States Secondly the conditions and the procedure for granting EPUE is in the hands of the European Patent Office an international organization to which EU is not a party Lastly the substantive provisions and the litigation proceedings are defined by an international treaty the UPC Agreement to which EU is not a member and by national laws for the remaining aspects Such system carves patent law out of the EU legal and judicial orders and reduces the roles of the EU Parliament and Court of Justice Challenges are numerous in terms of complexity harmonization objectives legality business advantages and wider societal economic and legal concerns to name a few With twenty eight contributions from academics and practitioners this book starts with putting the new system into historical comparative and institutional contexts Part I before highlighting some issues under EU law and the perspective of EU integration Part II The institutional jurisdictional and procedural questions raised by the UPC are then addressed Part III as well as the innovation and markets issues Part IV The last contributions discuss possible improvements and alternatives to the Unitary Patent Package Part V

Supplementary Protection Certificates (SPC) Johann Pitz, Atsushi Kawada, Jeffrey A. Schwab, 2021 The book provides a comparative overview on patent law and patent litigation proceedings in Germany Japan and the United States The systematic presentation of the legal systems including comprehensive references reveals differences and similarities Page v

Supplementary Protection Certificates (SPC) Dirk Bühler, Marco Stief, 2015 **Manual de Direito Industrial - Propriedade Industrial e Concorrência Desleal - 11a Edição** Luís Couto Gonçalves, 2024-04-23 Esta edição semelhante da anterior de 2023 abrange o regime jurídico dos direitos de propriedade industrial e da concorrência desleal e inclui ainda um breve apêndice sobre segredos comerciais Procedemos à atualização legislativa jurisprudencial e doutrinária No plano normativo salientamos a adesão de Portugal com efeitos desde 18 de janeiro de 2024 ao Ato de Genebra adotado em 20 de maio de 2015 que alargou a indicação geográfica a proteção internacional existente para as denominações de origem conferida pelo Acordo de Lisboa de 31 de outubro de 1958 ii a aprovação do Regulamento UE nº 2023/2411 de 18 de outubro de 2023 relativo à indicação geográfica de produtos artesanais e industriais conferindo-lhes cumprimento pelo período transitório estipulado a proteção existente na União Europeia para as indicações geográficas no domínio agrícola Reiteramos o desejo de que este manual permita prosseguir a causa do ensino e da investigação possa continuar a ser útil ao Direito no momento tão relevante da sua aplicação Patentschutz für Arzneimittel Matthias Steinlin, 2020-02-27 In welchen Konstellationen darf ein Arzt oder Apotheker lediglich das Originalpräparat und nicht auch ein Generikum benutzen damit kein Patent verletzt wird Dies ist eine äußerst praxisrelevante Frage In der vorliegenden Arbeit wird unter anderem zur Beantwortung dieser Frage analysiert wie ein Stoff für eine erste sowie für weitere medizinische Verwendungen medizinische Indikationen patentrechtlich

gesch tzt werden kann Zudem wird detailliert untersucht welche konkreten Tathandlungen Patente auf medizinische Indikationen verletzen und wann eine Person als Teilnehmerin an einer Patentverletzung zu qualifizieren ist Eine der Erkenntnisse des Autors ist dass die Sondernormen des Patentrechts betreffend Arzneimittel keine Berechtigung haben Deswegen legt er im letzten Teil der Dissertation einen L sungsvorschlag de lege ferenda dar Die Arbeit ber cksichtigt neben dem schweizerischen auch das europ ische Patentrecht systematisch Direito Industrial - 2a Edição Pedro Sousa e Silva,2023-07-28 Os oito anos volvidos sobre a 1a edi o deste Direito Industrial o acolhimento que teve e sobretudo a publica o do novo C digo da Propriedade Industrial justificavam a revis o do texto original aproveitando para repensar alguns temas e desenvolver outros Foi especialmente revista a mat ria das marcas devido transposi o da Diretiva 2015 2436 tendo a Diretiva 2016 943 sobre a tutela dos segredos comerciais obrigado revis o do cap tulo da concorr ncia desleal Profundamente remodelados foram tamb m os cap tulos relativos aos desenhos ou modelos e s denomina es de origem e indica es geogr ficas tendo a mat ria das patentes beneficiado de diversos melhoramentos relacionados com a evolu o doutrinal e jurisprudencial O que se manteve foi o perfil deste manual que a mais n o aspira que ser til a quem principia ou trabalha nesta fascinante rea do direito **Seville's EU Intellectual Property Law and Policy** Justine Pila,2022-11-15 Carefully authored by Justine Pila this significantly revised and expanded third edition of Catherine Seville s classic text presents a thorough and detailed treatise on EU intellectual property IP law taking into account the many developments in legislation and case law since the second edition European Patent Law Duncan Matthews,Paul Torremans,2023-10-04 This book provides a comprehensive overview of European Patent Law It presents a critical analysis of the European patent law system and the proposed changes to it The book explores the strengths and weaknesses of the European Patent Convention and the interaction between the national and the European level as well as across borders **Der Patentschutz von Arznei- und Pflanzenschutzmitteln im Freihandelsrecht** Lars Grupe,2024-05-15 Arzneimittel und Pflanzenschutzmittel unterliegen besonderen Bestimmungen im Hinblick auf den geistigen Eigentumsschutz die derzeit aufgrund der voranschreitenden Internationalisierung ber die nationale Eben hinaus transportiert werden Das Werk analysiert Entwicklung und Bestand der Interferenzen zwischen europ ischen multilateralen und amerikanischen Schutzbestimmungen f r beide Branchen im Bereich des Patentrechts Schutzzeitverl ngerungen und damit verbundener Schutzmechanismen insbesondere im Produktzulassungsverfahren Es zeigt die urspr nglichen nationalen Regelungen und dahinterliegenden Motive innerhalb dieser Schutzbestimmungen auf und spannt einen Bogen zur multilateralen Ebene wo sie schlie lich im Rahmen der Welthandelsorganisation WTO im TRIPS Abkommen zumindest partiell Einzug gefunden haben Neben der multilateralen Ebene spielen mittlerweile die darauf aufbauenden bi und polylateralen Regelungen in Freihandelsabkommen eine herausragende praktische Rolle da sie teils stark divergierende Vorgaben beinhalten und damit unterschiedliche Auswirkungen auf die jeweiligen Rechtsordnungen entfalten Als treibende Kr fte sind hier prim r EU und USA zu identifizieren Das Werk geht daher schwerpunktartig im Detail

auf die Entwicklung Logik und Praxis dieser Freihandelsabkommen ein und zeigt bestehende Gemeinsamkeiten aber auch Unterschiede auf und wagt einen Ausblick auf künftig zu erwartende Entwicklungen **Patentrecht** Michael Ritscher, Simon Holzer, André Kasche, 2016-08-02 Im Rahmen von njus.ch werden alljährlich in einzelnen separaten Bänden die Entwicklungen des vergangenen Jahres in der Rechtsetzung der Rechtsprechung und der Literatur eines bestimmten Praxisgebiets aufgezeigt In der Reihe njus.ch sind Bände über die Entwicklungen in folgenden Gebieten erschienen Agrarrecht Aktienrecht Datenschutz Erbrecht Finanzmarktrecht Gesellschaftsrecht Haftpflicht und Privatversicherungsrecht Internationales Zivilprozessrecht Kartellrecht Kauf Miet Werkvertrags und Auftragsrecht Kennzeichenrecht Patentrecht Personengesellschafts und GmbH Recht Pharmarecht Raumplanungs Bau und Umweltrecht Sachenrecht Schuldbetreibungs und Konkursrecht Sozialversicherungsrecht Allgemeiner Teil Telekommunikationsrecht Recht der audiovisuellen Medien Stromversorgungsrecht Unternehmenssteuerrecht Urheberrecht Verein Stiftung Trust Zivilprozessrecht Im Bereich der Rechtsetzung werden bereits beschlossene Änderungen sowie Rechtsetzungsprojekte dargelegt Im Teil über die Rechtsprechung wird insbesondere eine Darstellung der wichtigsten amtlich und nicht amtlich publizierten Bundesgerichtsentscheidungen geboten Und bezüglich der Literatur wird nicht nur umfassend auf Neuerscheinungen hingewiesen sondern es werden von ausgewählten Publikationen auch deren Hauptaussagen zusammengefasst njus.ch ermöglicht den Leserinnen und Lesern in kürzester Zeit auf den neuesten Stand der Entwicklungen in einem bestimmten Rechtsgebiet zu gelangen *Supplementary Protection Certificates (SPC)* Marco Stief, Dirk Bühler, 2021-12-31 *The Legal Status of Supplementary Protection Certificates for Combination Products* Victor Bisgaard, 2017

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