Advanced course

FORUM

Quo vadis, SPC?

ECJ referrals 2011-2019
in context and practical consequences

BONUS: the new 3rd edition of the SPC standard reference book by Brückner

Topics

- Laying the ground: referrals since Medeva
- Eli Lilly, Actavis and Georgetown II:
  referrals in context, background and interpretation
- From Merck v Sigma to Boston Scientific:
  further referrals in context, background and interpretation
- Impact on application practice and national court practice
- Pending referrals: from Abraxis to Santen v INPI
- Open questions for further potential referrals

Your speaker

Dr. Christopher Brückner
Patent Attorney/Pharmacist,
Dennemeyer & Associates,
Munich (Germany)

9 - 10 May 2019 in Amsterdam

Quo vadis, SPC?

Aims and objectives

The European Court of Justice has issued many important SPC decisions in the last few years: Medeva, Neurim, Actavis. The latest ones have raised more questions than have given answers.

Our speaker, one of the leading SPC experts in Europe, will discuss the referrals with you. He will put the decisions in context and will show you the consequences for national court practice and for your application practice.

Dr. Brückner will also give some hints as to pending referrals and yet unsolved questions which might be the subject of future referrals.

Who should attend?

Do you work in a corporate patent or IP department, or as a patent attorney in private practice and need an update on the ECJ's SPC case-law? Then, this course is intended for you. Prior knowledge of patents is a requisite.

Introduction to SPC

Attendees without prior SPC knowledge/education are advised to attend the introduction to SPC pre-course on 9 May 2019.

BONUS

Each participant will receive a copy of the new 3rd edition of the SPC commentary by Dr. Brückner, the standard reference!

Your speaker

Dr. Christopher Brückner

Patent Attorney/Pharmacist, Dennemeyer & Associates, Munich (Germany)

Dr. Christopher Brückner is a German and European Patent Attorney and Pharmacist with Dennemeyer & Associates based in Munich, Germany. He is the author of the standard reference commentary on SPC law. In addition he is coauthor of the EPC commentary Singer/Stauder.

He is a sought-after author, lecturer (Supplementary Protection Certificates, SPC for Beginners) and commentator in this field. In 2012, the Düsseldorf Higher Regional Court appointed Christopher as an independent legal expert in a patent dispute in the pharmaceutical field.

In 2016, the Max Planck Institute for Innovation and Competition requested that Dr. Brückner participates in the preparation of a study commissioned by the EU. The purpose of the study is to determine whether the current EU Regulation 469/2009 for SPCs meets today's technical and legal requirements.

What our participants say

- 'Very informative and thought-provoking.'
- 'Small scale, intensive lecture, practical orientated.'
- 'Good catch up and overview.'
- 'It is important to know what the current opinions are.'
- 'It is worth to attend such kind of conference.'

Your agenda

Advanced course: 10 May 2019, 09:00-17:00

Laying the Ground: referrals since Medeva

- The ECJ and the SPC: a story of cryptic decisions; the confusion left after Medeva

Eli Lilly, Actavis and Georgetown II

- Eli Lilly (C-493/12): Markush formula – functional claims
- Actavis (C-443/12):
  no second SPC for same active ingredient in combination; abstract combination?
- Georgetown II (C-484/12): second SPC for individually protected active ingredient;
  how to accommodate 'Actavis'?

From Merck vs Sigma to Boston Scientific

- Merck v Sigma (C-579/13), Pfizer Ireland (C-681/16): referrals on Specific Mechanism
- Synflorix (C-631/13): definition of adjuvant
- Boehringer (C-577/13): combination claimed in second patent
- Forsgren (C-631/13): covalent binding of a biologic product
- Seattle Genetics (C-471/14): date of market authorisation
- F. Hoffmann – La Roche (C-572/15): duration of an SPC issued under national law
- Incyte (C-492/16): date of expiry of an SPC
- Merck Sharp & Dohme (C-567/16): end of procedure notice equivalent to
  market authorisation?
- Teva v Gilead (C-121/17): product protected by a basic patent in force
- Boston Scientific (C-527/17): no SPCs for CE-marked devices

Pending referrals: what to expect

- Abraxis (C-443/17): first marketing authorisation for new formulations
- QH/Royalty Pharma (C-560/17): individualized embodiment
- Sandoz v Seale (C-114/18): common general knowledge
- Santen v INPI (C-673/18): ‚different application' (Neurim)

Open questions for further potential referrals

- Passive SPCs; SPCs for medical devices
- Further open questions

Results and possible consequences of the study of the European Commission

Pre-course: 9 May 2019, 14:00-18:00

Introduction to the basic terms

- Structure of the EU SPC Regulation for Medicinal Products
- Product – relevant deadlines – basic patent – relevant marketing authorisation

Fundamental practical questions

- What can be protected?
- Application for a certificate based on third parties' authorisation
- Date of grant of the basic patent and the marketing authorisation

Visit us: www.patent-seminars.com

Registration under service@forum-institut.com or Fax +49 6221 500-555

Registration Form

Yes, I will attend the

- ☐ pre-course: Introduction to SPC
  9 May 2019
- ☐ advanced course: Quo vadis, SPC?
  10 May 2019 (with speaker's book)

☐ Yes, I agree that FORUM Institut may inform me about events and relevant expert content by:
☐ email; and/or ☐ telephone.
I may withdraw my consent at any time.

Name

Position/Department

Company

Street

Postal Code/City/Country

Tel. No.

E-Mail

Contact person at office

Date, Signature

FI8417/0/0/0/0/0

How to register

- **Registration: +49 6221 500-500**
- **Conference-No. 19 05 182**

- **Internet:**
www.forum-institut.com

- **Date/Venue:**
Friday, 10 May 2019, 09:00 - 17:00
(advanced course)
Thursday, 9 May 2019, 14:00 - 18:00
(pre-course)

Amsterdam Marriott Hotel
Stadhouderskade 12 · NL 1054 Amsterdam
Tel. +31 20 6075555 · Fax +31 20 60075511

- **Fee:**
€ 390 (+ 21% VAT) – pre-course
€ 1,330 (+ 21% VAT) – advanced course
– includes speaker's book, course documentation as well as coffee breaks and lunch.

Any further questions?

Please feel free to contact me if you have any questions.

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Cancellation Policy

Our general terms and conditions apply (as of 1 January 2016) and are available upon request. We can send them to you anytime or you can find them on the internet at www.forum-institut.com/t&c.