Quo vadis, SPC?

ECJ referrals 2011-2020 in context and practical consequences

TOPICS

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

YOUR SPEAKER

Dr Christopher Brückner
Patent Attorney/Pharmacist, Dennemeyer & Associates, Munich (Germany)
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 7 May 2020.

BONUS
Each participant will receive a copy of the 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.'
Your agenda

Advanced course: 8 May 2020, 09:00-17:00

From Merck vs Sigma to Abraxis
• 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
• MSD (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
• Abraxis (C-443/17): first marketing authorisation for new formulations

Pending referrals: what to expect
• QH/Royalty Pharma (C 650/17): individualized embodiment
• Sandoz v Seale (C-114/18): common general knowledge
• Santen v INPI (C-673/18): 'different application' (Neurim)
• Eli Lilly (C-239/19): third party market authorisation
• Novartis (C-354/19): further SPC to a new indication

Open questions for further potential referrals

Pre-Course: 7 May 2020: 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
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REGISTRATION UNDER
service@forum-institut.com
www.forum-institut.de
Webcode 2005180
Tel. +49 6221 500-500
Fax +49 6221 500-555

REGISTRATION FORM

Yes, I will attend
☐ pre-course: Introduction to SPC
7 May 2020
☐ advanced course: Quo vadis, SPC?
8 May 2020
☐ Yes, I agree that FORUM Institut may inform me about events by:
☐ email; and/or ☐ telephone.
I may withdraw my consent at any time.

Date and venue
7 - 8 May 2020 in Amsterdam
Pre-course, 14:00-18:00;
Advanced-course 09:00-17:00
NH Amsterdam Centre
Stadhouderskade 7 · NL 1054 ES Amsterdam
Tel. +31 20 685 1351 · Fax

Fee
€ 1,330.00 (+ 21% VAT) - advanced course
€ 390 (+ 21% VAT) - pre-course
includes speaker’s book, course documentation as well as coffee breaks and lunch.

Name

Position, department

Company

Street

Post code, city, country

Tel. no./Fax no.

E-mail

Contact person at office

Date, signature

CANCELLATION POLICY

Our general terms and conditions (as of 1 January 2016) apply and are available upon request. We can send them to you at any time. Alternatively, you can access them online at www.forum-institut.com/t&c

YOUR CONTACT

Jean-Claude Alexandre Ho, LL.M.
Lawyer, Conference Manager
Tel. +49 6221 500-675
jc.alexandreho@forum-institut.de

FORUM · Institut für Management GmbH | POB 105060 | 69040 Heidelberg | Germany