STATE
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Simple strategy for facilitated protection and utilization of research results

First symposium
Toward translational research in brain and hart studies: Achievements and challenges in knowledge and technology transfer

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Content

Patenting in biomedicine

- Invention and patent
- Patentable and non-patentable inventions in biomedicine

IP in research project

- Preparing a project
- Defining relationship regarding IP rights
- Early spotting of invention
- Patent application and publication of research results
- Licensing, spin-off and other commercialization efforts

Patenting in biomedicine

What is an invention?

THERE IS NO DEFINITION OF INVENTION!

DESCRIPTION

- Invention differs from discovery.
- Invention must be new, inventive and industrially applicable.
- Invention is the solution of particular technical problem, thus it must be technical by its nature.

Only inventions are patentable.

Discoveries, art-works, ideas, mathematical and business methods, computer programs and algorithms, databases etc. are not patentable.

To be patentable an invention must be fully disclosed.

Patenting in biomedicine

What can be protected by patent?

Patent shell be granted for the invention which concerns:

- a product consisting of or containing biological material;
- a process by means of which the biological material is produced, processed or used;
- a biological material isolated from its natural environment or produced by means of technical process, even if it previously occurred in nature.

An invention which concern plants or animals shell be consider patentable if:

- the technical feasibility of the invention is not confined to the particular plant or animal variety and
- if the process for carrying out the invention is not essentially biological (crossing or selection).

Patenting in biomedicine

What can't be protected by patent?

- The human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene.

- An invention relating to an element isolated from the human body or otherwise produced by means of a technical process, including the sequence or partial sequence of a gene, may constitute a patentable invention, even if the structure of that element is identical to that of a natural element. The industrial application of a sequence or a partial sequence of a gene must be disclosed in the patent application as originally filed.

- Inventions which concern diagnostic or surgical methods or methods of treatment practiced directly on the human or animal body, with the exception of the products, in particular substances or compositions used in such methods.

Patenting in biomedicine

What can't be protected by patent? (2)

Inventions shall be considered unpatentable where their commercial exploitation would be contrary to public order or morality, in particular:

- for cloning human beings;
- processes for modifying the germ line genetic identity of human beings;
- uses of human embryos for industrial or commercial purposes; and
- processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to man or animal, and also animals resulting from such processes.

Model for protection of research results

PROJECT MANAGEMENT

PROJECT PREPARATION

Technology search
Search for the major players in the field

RESEARCH GROUP FORMATION

Resolution of legal relations regarding IP,
– between the group members and
– between the group and host institution(s).

PROJECT FINANCING

IP protection budget

PROJECT EXECUTION

Early spotting of the invention
Novelty search
Research adjustment
Patent application (before publication of the results)
Documentation for technology transfer (*know-how*)

POST PROJECT ACTIONS

Business plan and IP protection plan
– cost of international patent protection
– licensing
– “spin-off”

IP MANAGEMENT

Conclusion

By managing of IP rights the following benefits can be obtained:

- better conditions for professional promotion of each inventor;
- increase the chances for favourable licensing of the invention;
- additional income for researchers;
- direct financial effect from the research activities;
- status of preferential research group for further projects;
- improvement of the image of research institution in scientific community as well as in business sector;

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(Some) useful links

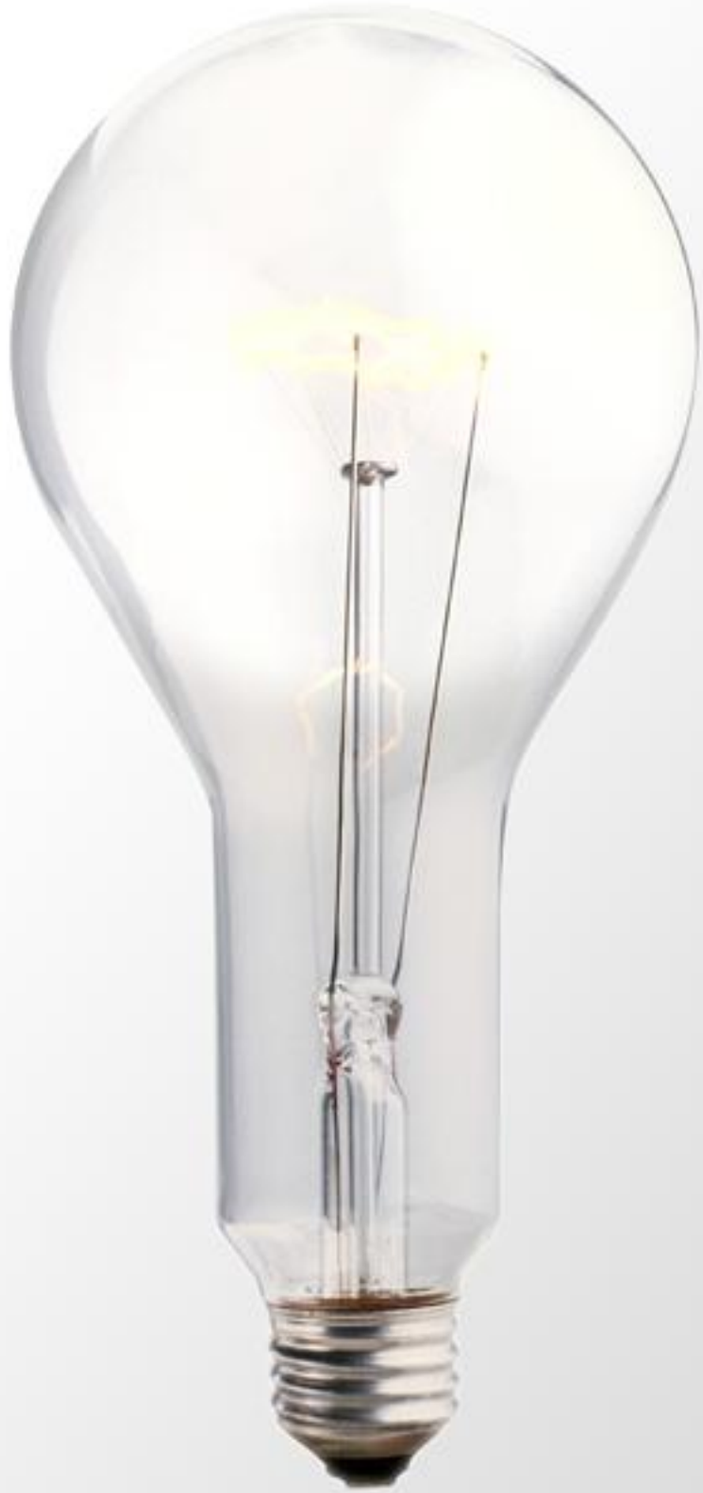
http://www.dziv.hr
http://www.dziv.hr/priručnici/hr_guidelines/hr/hrpat.htm
http://www.dziv.hr:8080/mkp/index.php
http://www.dziv.hr/webcontent/file_library/izvori_inf/pdf/patent/EU_patent.pdf

http://www.epo.org
http:/www.wipo.int
http://www.uspto.gov
http://www.jpo.go.jp
http://www.sipo.gov.cn/sipo_English/zljs

http://ep.espacenet.com
http://www.wipo.int/pctdb/en/

http://www.ncbi.nlm.nih.gov
http://www.ebi.ac.uk

THANK YOU!



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