



ANNUAL CONFERENCE ON EUROPEAN PATENT LAW

Recent Trends Regarding Life
Science Inventions

Brussels, 7-8 November 2019

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Intellectual
Property
Law**



Speakers

Robert Aerts, Lead Intellectual Property Evaluation, KWS, Einbeck

Daniel Alge, Patent Attorney, Sonn & Partner, Vienna

Thomas Bouvet, Partner, Jones Day, Paris

Patricia Cappuyns, CAPE IP Law, Kortrijk

Philippe de Jong, Partner, Altius, Brussels

Joachim Feldges, Partner, Allen & Overy, Munich

Timo Minssen, Professor of Law, Director of the Centre for Advanced Studies in Biomedical Innovation Law, Copenhagen

Clara Sattler de Sousa e Brito, Partner, Arroba IP Attorneys; Member of the Expert Group on the Development and Implications of Patent Law in the field of Biotechnology and Genetic Engineering, Munich

Harald Schmidt-Yodlee, Senior Expert, Biotechnology, European Patent Office, The Hague (*)

Ingrid Schneider, Professor of Political Science; Member of the Expert Group on the Development and Implications of Patent Law in the field of Biotechnology and Genetic Engineering, University of Hamburg

Ulrich Storz, Patent Attorney, Michalski Hüttermann Patentanwälte, Düsseldorf

(*) Invited

Key topics

- The EU Biotech Directive 98/44: still fit for purpose?
- Patenting of diagnostic methods in Europe and the USA
- Patenting of human embryonic stem cells
- Patenting gene and gene-editing tool
- EPO current practice on patenting life
- The EU/EPC saga on the definition of "essentially biological processes"
- Legal tools to facilitate access to patented biotechnologies
- Life science between patent law and Artificial Intelligence

Language
English

Event number
219R10

Organiser
Florence Hartmann-Vareilles, ERA



With the support of the Erasmus+ programme of the
European Union

ANNUAL CONFERENCE ON EUROPEAN PATENT LAW 2019

Thursday, 7 November 2019

09:15 Arrival and registration of participants

09:45 **Opening of the conference**
Florence Hartmann-Vareilles

10:00 **Biotechnology: a rapidly changing landscape**
Clara Sattler de Sousa e Brito

10:30 Discussion

I. PATENTING GENES AND GENE-EDITING TOOLS

10:45 **Scope of patent protection on DNA sequences in Europe**

- Different interpretation of claims in Europe
- Has the EU Biotechnology Directive reached its aim of harmonisation?

Daniel Alge

11:15 Discussion

11:30 Coffee break

12:00 **The EPO practice on patenting genes**

- Conditions of patentability
- Practical advice on how to file a patent
- Invoking the "morality ground"

Harald Schmidt-Yodlee

12:45 Discussion

13:00 Lunch

14:15 **Patent engineering in the light of CRISPR**

- How does the technology work?
- Update on the CRISPR litigation in Europe and in the USA

Ulrich Storz

15:00 Discussion

15:15 Coffee break

II. HUMAN EMBRYONIC STEM-CELL PATENTS

15:45 **Are the EPO decisions in line with the EU Biotech Directive?**

- Consequences of the CJEU rulings *Brüstle* and *International Stem Cell Corp.*
- The current practice at EPO
- Is there a need to clarify or revise the European legal framework?

Ingrid Schneider

16:30 Discussion

III. PATENTING DIAGNOSTIC METHODS

16:45 **Patenting methods of diagnosis: is the European approach still more flexible than in the USA?**

- The gate to patenting diagnostic methods, blood and tissues in Europe
- The approach in the USA since *Prometheus* and *Myriad*

Thomas Bouvet

17:15 Discussion

17:30 End of first conference day

17:45 Networking reception

Objective

This annual conference will update patent litigators and attorneys on the ongoing European and EU initiatives in the field of patent law. The focus will be on emerging technologies used as medical therapies or treatment methods on the human being, including genome engineering, biomedical applications of human stem cells and nucleic acid-related inventions.

Who should attend?

Litigators specialised in patent law, in-house counsel and European patent attorneys.

You will learn...

- how the law has to adapt to evolving life-science technologies.
- what the scope of protection of DNA sequences in Europe.
- about the EPO practice on patenting genes.
- how the European legal framework on biotechnology should be amended.
- what the legal issues raised by life-science inventions generated by Artificial Intelligence are.
- why the conditions of patentability of conventionally bred plants in Europe do need more legal certainty.
- what are the options to facilitate access to patented genetic inventions?

What participants said in 2018

"... high-level relevant speakers..."

"Great to gain insight into the key topics!"

"The conference has fulfilled my expectations"

"... useful contributions from speakers and also participants..."

Venue

L42
Rue de la Loi 42
1040 Brussels
Belgium

Friday, 8 November 2019

IV. INVENTIONS GENERATED BY ARTIFICIAL INTELLIGENCE IN THE LIFE-SCIENCE SECTOR

09:00 AI and patents in the life-science sector: open issues

- Example of uses
- Ownership of the data and ownership of the patent
- Revisiting the definition of the inventor
- What the future holds

Patricia Cappuyns

09:30 Discussion

V. PROTECTING NEW GENETIC DIVERSITIES

09:45 Patenting conventionally bred plants in Europe: legal overview

- Update on the broccoli / tomatoes series of cases
- What is an essentially biological process?
- Political issues behind the scene

Philippe de Jong

10:15 A need for legal certainty on the protection of new genetic diversities: Perspective of the industry

Rob Aerts

10:45 Discussion

11:00 Coffee break

VI. ACCESS TO INNOVATION AND PATENT LICENSING IN EUROPE

11:30 Recent developments on access and exploitation of genetic resources

- The discussion on the extension of the Nagoya Protocol to digital genetic sequences
- Initiatives at WIPO with regard to the use of genetic resources
- What has been the practical impact of the Nagoya Protocol and its implementation so far?

Joachim Feldges

12:00 Discussion

12:15 Facilitating access to patented genetic inventions: what are the options?

- Research and experimental exemption
- Compulsory licensing
- Patent pools and clearing-house mechanisms

Timo Minssen

13:00 Discussion

13:15 End of seminar

For programme updates: www.era.int

Programme may be subject to amendment.

Your contact persons



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CPD

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **9 CPD hours**.

Save the date

**Artificial Intelligence:
Challenges for Intellectual Property Law**
Brussels, 17-18 October 2019

**Annual Conference on European
Copyright Law 2019**
Trier, 21-22 November 2019

e-Presentations

**Recent EU Developments on Patent
Licence Agreements: Lessons Learned
from the General Court's *Lundbeck*
Ruling on Patent Settlement
Agreements**
Ingrid Vandenborne

**Recent EU Developments on Patent
Licence Agreements:
Genentech v Hoescht (C-567/14)**
Marleen H.J. van den Horst

**Impact on the Life Sciences Industry of
a Change in the UK Relationship with
the EU**
Tim Wilsdon

www.era.int/elearning

Registration

Annual Conference on European Patent Law 2019

Brussels, 7-8 November 2019 / Event Number: 219R10



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Registration

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English

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Accommodation

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Contact the hotel directly to make your reservation.



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☐ **Evening programme:** I shall attend the function on 7 November 2019 (at no extra charge).

Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration by 7 October 2019	€ 711.00 <input type="checkbox"/>	€ 426.60 <input type="checkbox"/>	€ 533.25 <input type="checkbox"/>
Registration after 7 October 2019	€ 790.00 <input type="checkbox"/>	€ 474.00 <input type="checkbox"/>	€ 592.50 <input type="checkbox"/>

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- Fellows of the European Law Institute

** Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
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