

3rd International Conference and Exhibition on **Biowaivers, Biologics & Biosimilars**

October 27-29, 2014 Hyderabad International Convention Centre, Hyderabad, India

The exclusions from patentability and especially the rationale for medical use patents

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The presentations address the procedural and patentability aspects of the grant and opposition procedure at the European Patent Office for applications and patents relating to pharmaceuticals and biotechnology. Exceptions to patentability relating to methods of treatment of the human or animal body by therapy or surgery and diagnostic methods are discussed. The patentability of pharmaceuticals ranging from new compounds defined by markush type formulas, polymorphs, salts, drug formulations, combinations of active agents and medical uses is presented. The patentability discussion also comprises the criteria for novelty assessment and the problem-solution approach for inventive step as used by the EPO.

Biography

Dieter Tzschoppe studied chemistry at the University of Stuttgart (Germany) and holds a PhD in Organic Chemistry from the University of Besancon (France). He joined the EPO in 1985 in The Hague (Netherlands) as Search Examiner in the field of pharmaceutical formulations. After his transfer to Munich (Germany) in 1989 he worked as search and substantive examiner in the field of medical use inventions. Since 1999 he is Director of units of about 30 examiners, first in organic chemistry, since 2005 in pharmacology and since 2013 additionally in galenics in the cluster Pure and Applied Organic Chemistry (PAOC). Responsible for external relations for cluster PAOC, he frequently represents the cluster/EPO as speaker in conferences or in the framework of international cooperation.

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