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Relaxing the tension between publishing and patenting

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Timing is everything. This is true not only in the world of scientific research, but also in the world of patents. It is especially so in the pharmaceutical field. There is often a tension between, on one hand – the desire to publish new scientific research or developments and on the other – the commercial need for valid patents on certain aspects or applications of that R&D. However, this does not need to be the case. This presentation will briefly outline the legal basis behind why it is always important to consider when and what is made public prior to filing a patent application and even afterwards. The global village in which the pharmaceutical industry is situated will be considered with international legal aspects, including not only those in the US and Europe but also those of South America, Asia and the Far East. These matters will be illustrated by some famous examples, including those of penicillin and monoclonal antibodies. The presentation will then turn its focus to providing practical, legally sound and commercially savvy advice on how to reduce the risk to any patent applications based on such R&D. Account will be taken not only of timing but also of how: the prior art is summarised; the new R&D described; and conclusions or proposals for future work addressed.

Biography

Julie Barrett Major began her training as a European Patent Attorney at The Wellcome Foundation Ltd (now GSK) and qualified in 1981. Thereafter, she moved to Sandoz (now Novartis) in Basel, Switzerland. She later worked for Merck & Co., Inc. including acting as Head of the European Patent Department and became a Member of the Association of British Pharmaceutical Industry (ABPI)'s Intellectual Property (IP) Committee. After a period in private practice, she set up a consultancy specialising in providing in-house style patent services to pharmaceutical/biotech companies, when her direct clients included Boots, Dabur Oncology, Pfizer, Reckitt Benckiser, Johnson Matthey and Smith & Nephew. Most recently, she founded and then directed the IP Department at Norgine, a European specialty pharmaceutical company having a significant in- and out-licensing, venture capital, and late-stage clinical and commercial development focus. She joined A A Thornton & Co. in May 2016 and is a Consulting Attorney who leads their pharmaceuticals business sector group. She is also a Member of the BioIndustry Association and the Pharmaceuticals Trade Marks Group.

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