Oppose it or lose it, says CJEU

Pharmaceutical and supplementary protection certificate (SPC) owners in Europe must oppose importation within one month of being notified by parallel importers, according to the Court of Justice of the EU (CJEU).

The Specific Mechanism allows those that possess patents or SPCs on pharmaceuticals to prevent parallel imports of their products from countries that joined the EU in 2004 and 2007.

The CJEU clarified the mechanism's use in a preliminary ruling on 12 February, which was issued in response to questions from the UK Court of Appeal as it considers a tussle between Merck and Sigma Pharmaceuticals over Singulair.

Subsidiary Merck Sharp and Dohme was the exclusive licensee of a Singulair patent and SPC from October 2007 to December 2010.

In 2009, Pharma XL, an associated company of Sigma, notified Merck Sharp and Dohme via letter of its intention to import Singulair from Poland to the UK.

Pharma XL imported more than £2 million worth of Singulair before Merck Sharp and Dohme challenged the legality of doing so in December 2010.

Merck alleged that the importation of the goods amounted to infringement and it sued Pharma XL in 2011.

In its preliminary ruling, the CJEU explained that under the Specific Mechanism, a patent or SPC owner can stop parallel imports if it opposes importation within one month of being notified by the importer.

“The Specific Mechanism must be interpreted as not requiring the holder, or beneficiary, of a patent or SPC to give notification of his intention to oppose a proposed importation before invoking his rights.”

Alzheimer’s UK launches dementia alliance

Alzheimer’s Research UK has launched a drug discovery alliance with universities in Cambridge, Oxford and London.

An investment of £30 million will be used to fund three drug discovery institutes at the University of Cambridge, University of Oxford and University College London.

Each institute will employ around 30 drug discovery scientists, who will be

Australia’s highest court to hear Myriad case

The Australian High Court will hear an appeal against the Myriad Genetics decision, after a special hearing request was granted to plaintiff Yvonne D’Arcy.

The decision follows the full bench ruling in September 2014, when the Federal Court of Australia held that isolated DNA is eligible for patent protection.

The Australian High Court will hear the appeal in April 2015.

Cancer Voices Australia, on behalf of D’Arcy, has fought a Myriad Genetics patent protecting the isolated BRCA1 gene, which increases a woman’s risk of developing breast and ovarian cancer.

The biotechnology company produces tests for identifying the gene’s presence.

Cancer Voices Australia claimed that isolated genetic material is not patentable, because a protectable invention must consist of an “artificially created state of affairs”, as required by Australian law.

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Oppose it or lose it, says CJEU

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“However, if such a holder or beneficiary does not indicate such an intention during the one-month waiting period laid down in the second paragraph of the mechanism, the person proposing to import the pharmaceutical product in question may legitimately apply to the competent authorities for authorisation to import the product and, where appropriate, import and market it.”

The case will return to the UK Court of Appeal for a final ruling.

Australia’s highest court to hear Myriad case

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But the Federal Court disagreed, ruling that the isolated nucleic acid that is the subject of Myriad’s claims has resulted in an artificially created state of affairs of economic benefit and is properly the subject of patent protection.

Rebecca Gilsenan, principal lawyer at Maurice Blackburn, which has represented D’Arcy in the case, said: “This matter has enormous significance for access to genetic testing, research and the development of treatments for diseases suffered by millions of Australians.”

“It raises a number of ethical, philosophical and legal questions about the commercialisation of the human body. It is important that there is legal certainty to allow scientists and others to study genes without fear of a patent holder taking legal action against them.”

Alzheimer’s UK launches dementia alliance

Continued from page 1

split into chemistry and biology teams and will work under a chief scientific officer.

Dr Simon Ridley, head of research at Alzheimer’s Research UK, said that the universities and charity are “in a position to jointly benefit from any innovation created by an academic research team and the Drug Discovery Alliance”.

Intellectual property rights arising from research carried out by the drug discovery institutes will be agreed mutually between the charity and the universities.

The three drug discovery institutes will make a major contribution to delivering the research ambition of creating a disease-modifying therapy for dementia by 2025, according to Alzheimer’s Research UK.

Dr Eric Karran, director of Alzheimer’s Research UK, said the drug discovery alliance is the first of its kind for dementia research. “We’re providing the investment and infrastructure that is needed to maintain and grow a healthy pipeline of potential new treatments to take forward into clinical testing,” he explained.

David Rubinsztein, lead academic scientist at the Cambridge institute, said the alliance will provide “unparalleled” access to scientists, clinical researchers and strong links with pharma and biotech companies in Cambridge.

District court invalidates asthma patent

A New Jersey district decision to invalidate AstraZeneca’s second patent for Pulmicort Respules has prompted Actavis to launch a generic version of the asthma treatment.

AstraZeneca’s patent for the asthma treatment was set to expire in 2018. Teva Pharmaceuticals also has a licensed generic version on the market.

Actavis has confirmed that it has already launched a generic version of the treatment, following the district court’s 13 February ruling.

Pulmicort Respules is a maintenance medicine used to control and prevent asthma symptoms in children up to the age of eight.

Latest news

Actavis jumps on the generics bandwagon following a district court invalidating AstraZeneca’s asthma patent

Latest news

Re-Pharm finds a new novel anti-inflammatory use for an existing drug, to treat anti-inflammatory conditions

Latest news

Mylan engages in litigation with Bayer Healthcare over Nexavar

Country update

Italy is without a conventional patent opposition system

Stem cells

The CJEU provides yet more clarification on stem cell patents in Europe

People moves

The USPTO promotes Valencia Martin-Wallace to deputy commissioner for patent quality, and more
with us... It’s always a safe landing
Actavis received final approval from the US Food and Drug Administration to launch its own budesonide inhalation suspension treatment in August 2012.

“AstraZeneca strongly disagrees with the court’s decision,” commented Paul Hudson, president of AstraZeneca US and executive vice president of North America.

“AstraZeneca has full confidence in the strength of its intellectual property rights protecting Pulmicort Respules. We are reviewing the decision and considering our legal options, including an appeal.”

AstraZeneca filed patent infringement lawsuits against Apotex, Watson Laboratories and Sandoz for infringement of two patents covering budesonide inhalation suspension.

The US District Court for the District of New Jersey invalidated one of the patents in April 2013, and ruled that the accused companies did not infringe the patents.

AstraZeneca challenged the ruling at the US Court of Appeals for the Federal Circuit, but the court upheld the district court’s decision concerning the first US patent.

Intronex buys ActoGeniX

Intronex will acquire European clinical stage biopharmaceutical company ActoGeniX.

Under the agreement, ActoGeniX stockholders will receive $30 million in both cash and Intronex common stock.

The synthetic biology company will utilise ActoGeniX’s suite of technologies in cellular and gene therapy for cancer, blindness and synthetic biology mediated production of APIs.

ActoGeniX also adds two clinical stage assets to the Intronex portfolio, including ActoBiotics, which has the ability to deliver biological and small molecule effectors to the oral and gastrointestinal tract.

The biopharmaceuticals will facilitate targeted therapies against oral, gastrointestinal, metabolic, allergic and autoimmune diseases.

“Together with Intronex, our collective technologies have the potential to revolutionise treatment for an array of diseases through cost effective and efficacious biological therapies,” said Bernard Coulie, CEO of ActoGeniX.

Coulie added: “The expertise of both companies will further advance our distinctive ability to deliver one or multiple biologics through an ActoBiotic at a cost of goods comparable to small molecules.”

It is anticipated that the transaction will close in Q1 2015.

Gilead faces opposition to hepatitis C drug patents

Gilead Pharmaceutical’s monopoly over hepatitis C treatment sofosbuvir in Europe is hindering access to the drug, according to Médecins du Monde.

Non-governmental organisation Médecins du Monde has filed an opposition to patents protecting sofosbuvir at the European Patent Office on the grounds of inventive step, claiming that the molecule of sofosbuvir is not innovative enough.

It said that Gilead is charging €44,000 for a 12-week treatment in the UK, and €41,000 in France, hindering access for people living with hepatitis C, which can cause liver cirrhosis, cancer and death.

“We are defending universal access to healthcare,” said Dr Jean-François Corty of Médecins du Monde, which is the French arm of Doctors of the World, a global healthcare charity.

It is not the first time Gilead has faced challenges over the drug. In January, a sofosbuvir patent was rejected in India on the grounds of evergreening.

“Patent challenges have already been used by civil society in India, Brazil, the US and around the world to remove weak or unmerited patents for drugs and to make low-cost generic versions available,” commented Olivier Maguet of Médecins du Monde.

“This has led to a substantial reduction in the cost of treatments, enabling access to drugs of patients who would otherwise be deprived of life saving medicines.”

New databases for STN platform

STN partners Chemical Abstracts Service (CAS) and FIZ Karlsruhe have released an update to their web-based solution for professional intellectual property searching.

The new STN databases deliver content, including biomedical databases BIOSIS, MEDLINE and Embase, complementary life sciences databases CABA and FSTA, and full-text databases that expand on global patent portfolios.

The latest update to the STN platform also includes new features and interface refinements that enhance efficiency and usability.

Additional thesauri, including the Embase Emtree Thesaurus and MeSH Medical Subject Headings in MEDLINE, enable discovery of search terms and synonyms.

In addition, INPADOC enhancements, including new family displays, increase users’ ability to leverage global patent content to answer business-critical questions, according to CAS and FIZ Karlsruhe.
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Christine McCue, vice president of marketing at CAS, commented: “New STN is a modern, efficient research solution, and the addition of new biomedical and patent databases allows more IP professionals to take advantage of this enhanced search experience.”

Re-Pharm finds a new use anti-inflammatory agent

Re-Pharm has used Cresset’s Forge to identify a novel anti-inflammatory activity for an existing drug, which is widely prescribed for other non-inflammatory conditions.

Re-Pharm was searching for drugs to be repurposed against a new enzyme target.

Using known ligands and a crystal structure as a starting point, it used Cresset’s Forge to build computational templates to match any compounds likely to be active at the new target.

The results were screened and RP0217 was identified as an effective new anti-inflammatory agent. Re-Pharm has filed patents on RP0217 for a variety of disease indications.

Alan Rothaul, chief science officer at Re-Pharm, said: “We are delighted with the discovery of RP0217 and look forward to its progression through clinical trials.”

“Cresset’s software made it possible to analyse the potential activity of thousands of existing drugs so that we could pinpoint those that were likely to be active against the new enzyme target,” he added.

Mylan challenges Bayer’s monopoly over Nexavar

Mylan has confirmed that it is engaged in litigation with Bayer Healthcare over an Abbreviated New Drug Application (ANDA) for cancer drug Nexavar (sorafenib).

Bayer and others filed a patent infringement suit against Mylan in the US District Court in the District of Delaware.

Sorafenib, in tablet form, treats unresectable hepatocellular carcinoma and advanced renal cell carcinoma cancers. It earned $48 million in sales last year.

Mylan believes it is the first company to file an ANDA with a Paragraph IV certification for a generic version of the drug.

It expects its generic version to be eligible for 180 days of exclusivity following final Food and Drug Administration approval, although that is subject to completion of the litigation.

Bayer has faced multiple challenges to the patents protecting Nexavar. In India, a compulsory licence has survived Supreme Court scrutiny to allow generic production of the drug.

Novo Nordisk faces generic Vagifem competition

Novo Nordisk has filed a suit against Sun Pharmaceuticals in New Jersey district court for infringement of its hormone composition patent covering Vagifem.

Novo filed its complaint against Sun Pharma on 12 February for filing an Abbreviated New Drug Application (ANDA) for generic estradiol vaginal tablets in 10mcg dosages.

Estradiol is a local estrogen therapy that treats uncomfortable vaginal changes caused by menopause.

Novo is seeking damages and interest for the alleged infringement. Sun Pharma was also served with a summons on 19 February.

Teva Pharmaceuticals was accused of infringing the same patent in 2014. It claimed in its ANDA that the patent is invalid and unenforceable.

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  Freedom-To-Operate (FTO) Search
- Design Patent/Registration Filing and prosecution
Despite pressure from the industry to reform the Italian Industry Patent Code (IIPC) to allow patent challenges, the country has been unwilling to bend.

In November 2014, however, Italy yielded to pressure—to an extent. The IPTO must now consider observations filed by third parties in respect of patent applications, but it has retained the power to decide how observations will be handled.

Third-party observations are where a third party lodges an ‘observation’ about a patent application filed with the IPTO in an attempt to delay it.

As it stands, the office is not bound to take any of the observations into account, or inform the patent applicant.

“In the absence of an opposition procedure, filing third parties’ observations represents a chance of ‘complicating’ the approval of a patent, without having to resort to the court, an expensive and time-demanding alternative,” explains Giuseppe Quinterno, partner at Jacobacci & Partners in Turin.

“When the third parties’ observations may adversely affect the validity of a patent to be granted, [only] then the IPTO will take such observations into serious consideration,” comments Quinterno.

The alternative to challenging patents in Italy is going straight to court. According to Valentina Giarusso, who is head of corporate and commercial at Giambrone in Milan, the court is “where fair opposition of parties is most often granted”.

“But] courts are often an expensive alternative, and as a consequence, observations appear as a cheap means to try to create difficulties for competitors,” argues Quinterno.

Reluctance revealed

“The IPTO does not have the resources [to deal with patent oppositions], at present,” explains Quinterno. Ida Palombella, special counsel at Withersworldwide in Milan agrees, adding: “The IPTO route has yet to be implemented in the pharma sector where invalidity proceedings are generally more complex because they require the involvement of technical aspects and written deeds to discuss technical aspects.”

Giarusso’s way is in contrast to other EU member countries, which generally have this in place. But Quinterno says Italian style third-party observations aren’t so unusual: “The European patent system also allows third parties’ observations (under Article 115 of the European Patent Convention), which in a number of cases have brought to the rejection of the European patent applications.”

Giarusso would like to see further reformed implemented to address the lack of a solid opposition system in Italy. “A deep reform of the code is needed, finally providing third parties with the possibility to address a claim, when grounded on factual evidence,” says Giarusso.

Palombella agrees, admitting that the IPTO is not “the ideal route” for dealing with a patent challenge at present.

But, in Quinterno’s opinion, there is a silver lining to the current situation.

“The submission of third parties’ observations could become a tool for permitting third parties to draw the attention of the IPTO examiners to documents or facts which could jeopardise the patentability of the subject matter of patent applications.”

In Giarusso’s opinion: “A higher level of technical expertise of the [patent] examiners would be suitable, especially when dealing with pharmaceuticals and biomedical device patents.”

Whether a more in-depth patent opposition system will be implemented in Italy remains to be seen, but applicants and their representatives are convinced that such a procedure would only benefit the country and strengthen the patents that it grants. IPPro
Stem cells derived from human ova whose development has been stimulated without fertilisation are not categorically excluded from patentability in Europe if these cells are not capable of completing the process of developing into a human being. This was clarified by the Court of Justice of the EU (CJEU) in a judgement on 18 December 2014 in case C-364/13. Specifically, a human ovum cannot be classified as a human embryo merely because it has been parthenogenically activated to commence a development analogous to that of the early stages of a normal human embryo.

Parthenogenically activated stem cells are not fertilised but stimulated by other means to grow similarly to a normal human embryo. Crucially, although similar to a human embryo in its earliest stages, parthenogenically activated stem cells are unable to fully develop into a human being. Furthermore, options are available to obtain such stem cells without requiring the destruction of a human embryo. For these reasons, parthenogenically activated cells are regarded by many as an ethical source of stem cells, which are of immense interest to medicine for their potential in regenerative therapies and for their biocompatibility.

The CJEU judgement is remarkable because it requires future courts to determine, on the basis of “current scientific knowledge”, whether or not cell lines have such a capacity. While this may empower courts in certain cases to determine, if required, a clarification on the meaning of a human embryo on the basis of scientific knowledge without a referral to the CJEU, it cannot be ruled out that scientific advances will make it possible for unfertilised yet otherwise activated cell types to gain the capability of completing the development into a human being. This may, in the future, shift the boundary of the scope of exclusions from patentability. In relation to patent specifications directed to unfertilised human embryonic cells, patent practitioners need to consider how to define variants that may potentially obtain the capability of developing completely into a human being.

The significance of CJEU judgements to patent granting authorities in Europe arises,
in part, from the parallel routes to patents in European jurisdictions. These routes include the examination at national patent offices and the examination at the European Patent Office (EPO). Further, the unitary patent that is currently taking shape will provide another route to obtaining a patent in Europe in the near future. The authority entrusted with examining and granting unitary patents will also be the EPO.

CJEU judgements are authoritative across member states of the EU. The EPO, however, is not an EU institution (several EPO contracting states are not member states of the EU) and is therefore not bound by CJEU judgements.

However, the EPO tends to align its patent granting procedures with EU legislation and case law. As such, the latest revision of the European Patent Convention, the EPC 2000, adopted the statutory exclusion from patentability of “uses of human embryos for industrial and commercial purposes” in line with the EU’s Biotech Directive.

To illustrate this with an example, in its recent decision T1441/13, a board of appeal of the EPO expressly stated that decisions taken by the CJEU on the interpretation of common legislative concepts may be taken into consideration in EPO proceedings. One such legislative concept common to the EPC and European law appears to be the term “human embryo” in the EU’s Biotech Directive.

It follows then that even though in the present case (C-364/13) the CJEU ruled in response to a referral by a UK court, the judgement is not only relevant to patent granting authorities in other EU member states, but also unlikely to be ignored by the EPO.

The present CJEU ruling is to be understood in the context of the landmark Brüstle case, in which the CJEU provided clarification of the remit of the expression “human embryo” used in the EU’s Biotech Directive to define subject matter excluded from patentability in Europe. In the Brüstle case, such a clarification was requested by the German Federal Court of Justice via a referral to the CJEU in 2009.

In its judgement (C-34/10), which was handed down in 2011, the CJEU ruled that “human embryo” encompasses any human ovum after fertilisation.

Furthermore, the CJEU reasoned that even unfertilised human ova are encompassed by the term if they have the capacity to develop into a human being, specifically listing non-fertilised human ova into which a cell nucleus from another human cell was transplanted and non-fertilised human ova whose division and further development were stimulated by parthenogenesis. In parallel to the Brüstle referral, International Stem Cell Corporation (ISCC) pursued two patent applications at the UK Intellectual Property Office (UK IPO) relating to parthenogenically activated stem cells, entitled “Parthenogenic activation of oocytes for the production of human embryonic stem cells” and “Synthetic cornea from retinal stem cells”.

Filed in 2006, the registration process of the two applications was delayed to provide an opportunity for consideration of the relevance of the CJEU’s 2011 Brüstle judgement, because the subject matter related to human embryonic stem cells.

Unfortunately for the applicant, the cell lines of the applications fell within the definition of a parthenogenically stimulated cell as set out in the CJEU Brüstle ruling, and so registration of the applications was refused in 2012 by the UK IPO. Crucially, however, the cells in question that were asserted by ISCC lacked the capability of completing the process of developing into a human being, and so ISCC appealed against this refusal to the UK High Court, which in turn requested clarification of “human embryo” in respect of cell lines that lack such capability.

It is worth pointing out that the applicant had to incorporate several limitations in its patent applications to exclude unpatentable subject matter. The applications in question were limited to oocytes that are pluripotent, unfertilised, and lacking paternal genetic imprinting. It was also clarified that the stem cells obtained by the invention are pluripotent, and as such cannot develop into a human being.

In practice, applicants seeking patent protection for human stem cell-related inventions in Europe should provide options for disclaiming variants that may possibly be able to develop into a human being. Applicants should avoid situations in which they may have to rely on disclaiming subject matter without having a clear and unambiguous basis for such a disclaimer in their patent specification. This risks an objection to an impermissible broadening of the claimed invention. Although rules exist that allow the inclusion of so-called undisclosed disclaimers in certain exceptional circumstances, the patent application process is simplified for the applicant if express basis in a specification for a disclaimer avoids any dispute about whether or not this is disclosed.

Furthermore, great consideration should be given to providing an enabling disclosure of human stem cell-related inventions. The EPO and other European patent granting authorities require a patent specification to provide, at the priority date, complete instructions for carrying out the invention without violating the exclusions of the Biotech Directive. In particular, it can cause great difficulty if experiments cannot be repeated within the undisclaimed scope of an invention.

For instance, if examples of a patent specification do not provide instructions for obtaining pluripotent stem cells without requiring the destruction of a human embryo, this may render a disclaimer of totipotent stem cells by limitation to pluripotent stem cells unallowable and an invention unpatentable for lack of an enabling disclosure.

As a result, if fall-back options for a disclaimer are included in a patent specification, it should also be ensured that the patent specification provides support for putting any undisclaimed subject matter into practice.

These aspects make the patent application process for human stem cell-related patents all the more challenging in Europe. Applicants should coordinate their patent strategies with the help of experienced European practitioners prior to filing an application to ensure that necessary fall-back options are disclosed, not only to avoid difficulties during the registration process but also to improve the options for a commercially attractive scope of protection.
Danubia is the oldest and largest IP Law Firm in Hungary, owner of several awards and provides service for domestic and foreign clients in Hungary and for Hungarian and foreign clients before the EPO and OHIM and in other countries in obtaining and defending their IP rights. Danubia is a full service IP Law firm and therefore works in all segments of IP Law. Our patent attorneys have qualifications covering all fields of technology, and the lawyers are specialized in respective fields within IP, and all needs of the client are dealt with by professionals having the highest education and practice in that specific field. In complex cases ad hoc teams are created that match the need of the cases to be handled.

For major foreign multinational companies Danubia provides services in obtaining IP rights in Hungary, and defend and protect their patent and trademark rights. The services include counseling, pre-trial consultation and elaborating optimum strategy for litigation. The activities are broad and include protection of domain names, filing domain name oppositions and litigating infringement by the net, and continued with classical patent infringement, trademark infringement proceedings and inspecting the market for detecting potential infringers.

For medium and small size overseas companies Danubia acts as representative before the European Patent Office in obtaining and defending their European Patent applications and also before the OHIM to obtain them community trademarks and registered community designs.

For innovative small and medium domestic entities, assistance is provided from the birth of an innovation till obtaining a well tailored IP protection for such innovations. Assistance is also given in preparing and concluding license agreements.

Company profile

Patents
- preparing new patent specifications based on client’s instructions
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- enforcing patent rights before the competent courts, predominantly in Hungary
- validating granted European Patents in Hungary

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- Searching existing or similar rights with or without opinion
- Enforcing trademark and design rights before the courts
- Providing pre-trial opinions and counseling in elaborating an efficient IP strategy
The place to be

RWS Group’s visit to China shows the company’s vision for future growth

China will be the place to be over the next few years as the country continues to attract record numbers of North American and European patent filers.

At the same time, Chinese companies are queuing up to file patents in their own country and abroad.

The upsurge in patent filing activity has resulted in a massive increase in demand for patent translations in China, making it the most important growth market for RWS Group over the next five years. We are more than ready to step up to the plate to be a part of this booming market.

Building our reputation

RWS technical director Neil Simpkin recently returned from a visit to the Chinese city of Xi’an, where we launched a partnership with the prestigious Xi’an International Studies University (XISU) last year.

This is the latest in a series of university partnerships paving the way for an even stronger presence in the country, as well as helping us to build relationships with local businesses and patent offices.

“China is the most important potential market for us because of the huge desire of non-Chinese companies to file patents in China and gain intellectual property protection there.

The country is opening up, and whereas 10 years ago there wasn’t a very resilient system, the government has made huge progress in strengthening IP protection and stamping down on piracy,” says Simpkin.

The increase in Chinese companies wanting to market their own inventions abroad and needing patent translations from Chinese into English is another reason for our excitement about our partnerships with leading academic institutions.

The collaboration helps cement our reputation as the leading IP and language support services company in the world, with a strong and growing presence spanning multiple centres in China. It means we are ideally placed to service this growing market.

What does the project entail?

“Our aim is to combine the best human talent with top-end software and the technological resources needed to provide our clients and future clients with a premium translation product,” says Simpkin.

The university has provided us with a dedicated, well-equipped language laboratory and offices on the campus, which allow us to safeguard confidentiality and data security.

Because of its unique academic cycle, the university is able to give us a regular intake of high-quality interns from its Masters in Translation and Interpreting (MTI)
course, ensuring the availability of a team of experienced and trained translators throughout the year.

The interns, currently numbering 25, work under the supervision of senior RWS translators and combine their talent with our translation memory technology, enhanced machine translation and knowledge bases, to produce top-quality translations.

They benefit from expert training, preparing them for a potential future career in the IP translation industry, while we benefit from an ongoing supply of qualified, trained staff as we recruit the top students to join our teams in China.

This exchange of skills, talent and resources is a win-win situation and builds on the success of similar projects at two universities in Qufu and Rizhao, where production and training centres are already in place.

Exploring lucrative new markets

Our strategic decision to collaborate with XISU was also motivated by the fact that the university has strong German and Japanese language departments, both eager to work with us. This will enable us to broaden our portfolio of languages and explore lucrative new markets.

In particular, we are keen to support a new Japanese–Chinese translation service, which will cater for the growing number of Japanese companies filing patents in China—the biggest foreign filers of patents in this country and a market RWS is keen to serve.

Our work at XISU includes the translation of office action documents from Chinese into English, which is another important area for us.

Our history in China

As one of the first IP translation companies in China, we set up a local office in Beijing in 2006, which now has 57 members of staff. The university centres in Xi’an and Rizhao have enabled us to expand our Chinese offering.

We believe the XISU collaboration will lead to other future partnerships and will further strengthen our presence, resources and reputation in China, enabling us to service our clients’ growing demand for IP protection in this part of the world. IPPro

Key facts and figures RWS in China

- RWS China was founded in 2006 by a former China and UK patent attorney.
- The first global IP translation company to establish a full production site in China.
- Main services include a streamlined and modular service that ranges from simply providing an expert patent translation through to a one-stop translation and filing service for both PCT and national applications, and translations of patents and IP-related documents for litigation and information purposes.
- The company employs 57 permanent members of staff, including more than 35 in-house translators and the management team
- More than 12,000 patents and IP-related documents are translated annually for the global patent profession.
Industry appointments

Kaye Scholer has expanded in Silicon Valley with a group of intellectual property lawyers, with Deborah Fishman joining as partner and Krista Carter and Katie Scott as counsel.

Fishman advises companies in business-critical IP and commercial disputes, with a focus on biopharmaceutical and medical device patent litigation.

She has litigated through trial five lawsuits worth more than $1 billion and has represented clients before the US Patent and Trademark Office (USPTO) in post-grant contentious proceedings and before the US International Trade Commission.

Michael Solow, managing partner of Kaye Scholer, said: “Fishman’s addition to our life sciences and intellectual property teams extends a dynamic and unique advantage to our clients.”

Carter focuses on patent litigation, due diligence and strategic counselling for innovative biotechnology and information technology companies. Her experience also includes trade secrets, licensing, and anti-trust litigation.

Scott’s experiences covers providing counsel to clients for IP technology-related disputes, and across biotechnology, medical devices, semiconductor devices, and software.

Mike Malecek commented: “Fishman and her team perfectly complement Kaye Scholer’s existing nationwide life sciences capabilities.”

“Their significant success in litigating biotech patent cases and prosecuting inter-partes reviews, as well as their talent in managing IP portfolios, will be an asset to all our clients in that industry.”

Lathrop & Gage has welcomed attorney Gregory Zinkl as counsel of its IP practice.

Zinkl focuses his practice on IP in biotechnology and assists clients with patent preparation and prosecution, opinion work, due diligence work, contract drafting and negotiation.

He also has patent prosecution experience in the fields of genetically modified organisms, biological intervention in disease, as well as pharmacology and mechanical arts.

Sue Charles, partner in charge of the Chicago office, said: “He adds even greater depth to our litigation IP practices.”

Jone’s Day has appointed Maureen Bennett to its Boston office as partner in the healthcare and life sciences practice.

Previously co-chair of Squire Patton Boggs’s healthcare and life sciences industry group, Bennett represents entities in corporate and commercial transactions, with a particular emphasis on multi-jurisdictional clinical trials, cross-border transactions, and strategic commercial matters, such as research and development arrangements.

She has managed the negotiation of clinical research collaboration agreements in numerous jurisdictions around the world, including agreements with hospitals, physician practices, and independent research entities.

Traci Lovitt, partner in Jones Day’s Boston Office, commented: “Given Jones Day’s global reach, and Boston’s role in the life sciences community, Bennett is a perfect match for us, and we are delighted that she is joining Jones Day.”

Cambrex Corporation has promoted Samantha Hanley to vice president, general counsel and secretary, succeeding William Haskel, who will leave the company at the end of February.

As legal counsel she will oversee Cambrex’s IP, mergers and acquisitions and other legal matters and will report to Cambrex president and CEO, Steven Klosk.

“Hanley has over 12 years experience and her understanding of chemistry and experience in intellectual property has served the company well.”

Klosk said: “In her new position as general counsel, Hanley will have a key role as part of our management team to help guide our growth initiatives.”

The USPTO has promoted Valencia Martin-Wallace to deputy commissioner for patent quality.

Martin-Wallace previously served as an examiner and assistant deputy commissioner for patent operations at the agency.

Following the promotion, the USPTO will launch a new initiative to enhance the quality of patents.

A notice was published in the Federal Register on 6 February with further details of the initiative. The USPTO wants feedback on how to enhance the US patent system and has requested comments by 6 May. IPPro
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