

Patents why and how

Innovation & IPR in Biotechnology



Who's the man?

Peter Horn Møller

M.Sc biochemistry and organic chemistry

PhD Medicine

Patent attorney since 1998....

Founder of Tinderact – giving life to IPR

Partner, Ventac Partners

Senior Dept. Manager, Licensing and Strategy at Novozymes

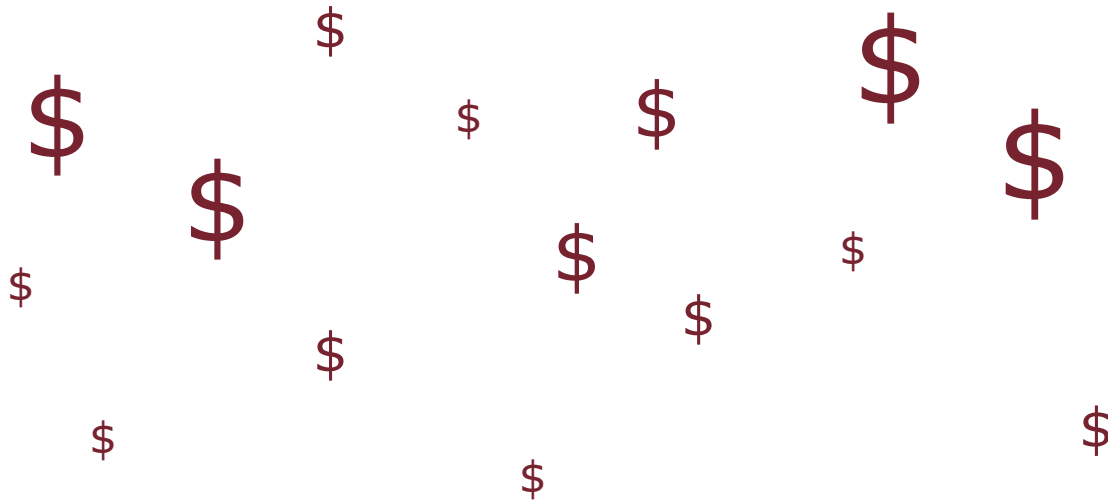
Head of Licensing & IP, Albumedix

Affiliated associate professor of Biotechnology and Innovation at
the Faculty Science, University of Copenhagen

What's IP?

BUT

I should have stayed at home..



Different types of IPR



Microsoft®

Type	Field	Conditions	Duration
Patent	Technology	New, inventive step, industrial applicability	20 years from filing
Design	Product appearance	New and individual character	25 years from filing
Trademark	Business characteristics	Unique	Indefinite
Copyright	Art	Original	70 years after the last surviving author's death
Confidential information	Everything	That it is confidential	Indefinite



 Albumedix.

The Cold Sore Story

Original product



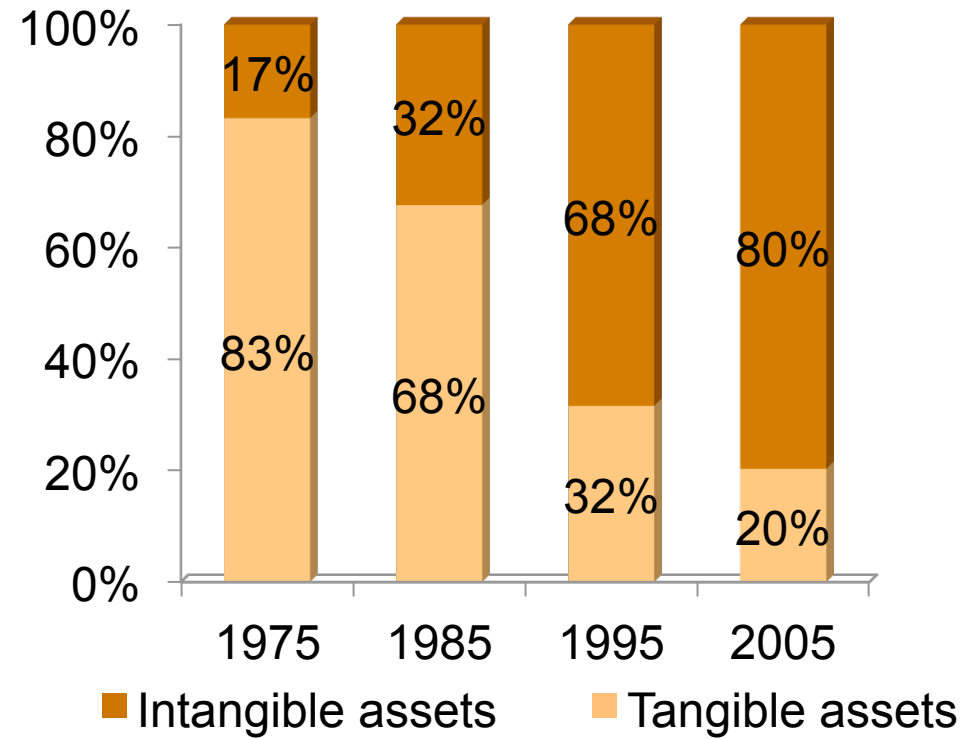
\$\$\$

Generic product



\$\$

S&P 500 market value



What's an invention?

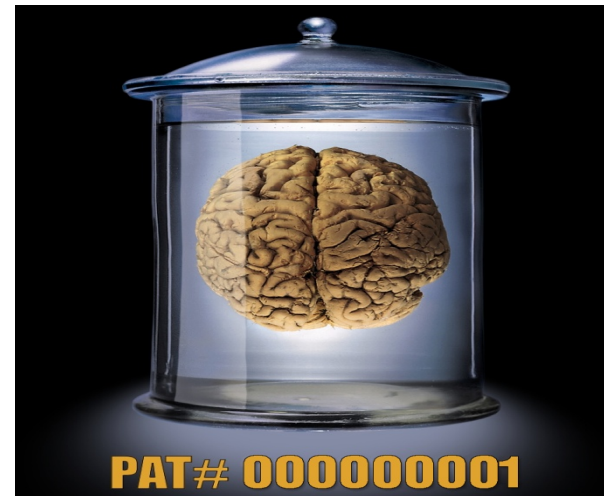
The European Patent Convention

Art. 52(1) European patents shall be granted for **any inventions** which are susceptible of industrial application, which are **new** and which involve an **inventive step**.

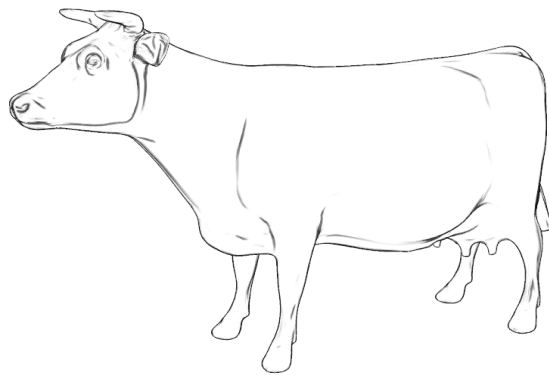


So what IS an invention??

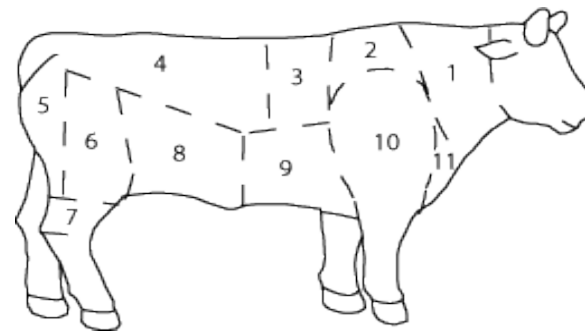
An invention is something you create; a creation of new which grows from inspiration of the human mind



Definition of an invention



Discovery

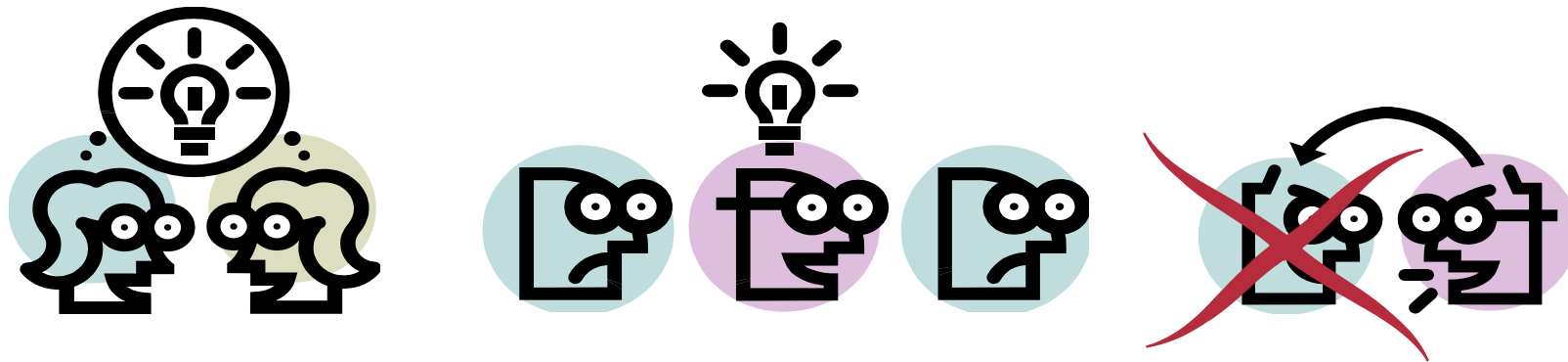


Invention

Discoveries result in (or can result in) **inventions**

Definition of an invention

Accordingly, an invention will always be made by an **inventor!**



Patentability



Novelty

Novelty

Novelty is an **objective quality** which is a condition for the validity of a patent claim

Novelty can not be quantified!

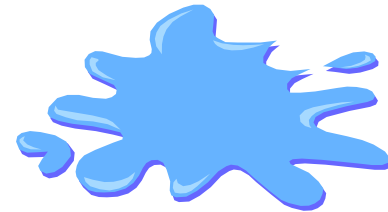
Either the invention is novel or the invention is *not* novel!

Novelty

THUS, an invention is novel

if the invention is not **identical**

to an already known "phenomenon"



Destroying absolute global novelty

any form of communication!

Destroying absolute global novelty

Who is the best candidate for destroying the novelty of an invention?



the Inventor

Absolute global novelty is destroyed by

- Publication of a scientific paper
- Distribution of abstracts
- Lectures/presentations
- Posters
- Displays
- Exhibitions
- Discussion of the invention (in an indefinite group)
- Sale or distribution of prototypes
- Careless storage of the invention
- TV and radio programs
- Newspaper articles
- Publication of a thesis