



# BIOTECH PATENTS

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# Filing a patent Application : WHY ?

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- Obtain a monopoly of exploitation
- Build up a partnership
- Disclose the invention with no risk of losing rights



# Where and when to file a patent application

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- National route
- Regional route
- International route
  
- The right moment to file



# Patentable inventions

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- Products : a chemical entity, a medicament, a combination of products, an element isolated from the human body (gene, provided its application is disclosed in the patent application), animals and plants, a microorganism, a device, etc..
- Processes : to make a product, to use a product, to use a medicament for the treatment of a disease.
- A software when it provides a technical function.



# Non Patentable Inventions

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- Methods for treatment by surgery or therapy and diagnostics methods practiced on the human or animal body;
- Processes for cloning human beings;
- Use of embryos for commercial purposes;
- The human body at the various stages of its formation;
- Processes for modifying the germ line genetic identity of human beings.

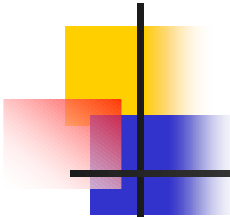


# Conditions of patentability

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An Invention must be:

- NOVEL
- INVENTIVE
- INDUSTRIAL APPLICATION
  
- The patent must disclose the invention in such a way that it can be reproduced



# The invention : who it belongs to (in France)

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The right to the patent belongs to the  
inventor or assignee;



# Freedom to operate

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A patent is not a right to work an invention – Not a Marketing Authorization

A patent is a right to forbid third parties from exploiting the invention



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