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Second Medical Use Claims

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Fordham Session 5B – 9 April 2015

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- Is the Patent Court (at present) equipped to enforce 2nd medical use patents?
- Does enforcement require changes in the regulatory framework (health care system)?

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- What kind of (precautionary) measures are the patentee and the generic supplier respectively required to take to prevent infringement down the supply chain?
- Are such measures effective and reasonable? How far do you go?

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- Remedies sought by patentee against generics
  - Injunction order for direct / indirect infringement
  - Order to restrict generic supply to certain amount (based on assessment market for free indications)
  - Order to open books for patentee to check sales
  - Order not to participate in tenders (hospitals, health insurers) unless they guarantee that product is not delivered for patented indication

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- Are such remedies:
  - Effective
  - Reasonable
  - Allowed (EU competition law; EU Charter of Fundament Rights)

Thank you for your attention.

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