

Pharmaceutical, Biological and Chemical Patents

Stief / Haedicke / Wünsche

2026

ISBN 978-3-406-64855-7

C.H.BECK

schnell und portofrei erhältlich bei

beck-shop.de

Die Online-Fachbuchhandlung beck-shop.de steht für Kompetenz aus Tradition. Sie gründet auf über 250 Jahre juristische Fachbuch-Erfahrung durch die Verlage C.H.BECK und Franz Vahlen.

beck-shop.de hält Fachinformationen in allen gängigen Medienformaten bereit: über 12 Millionen Bücher, eBooks, Loseblattwerke, Zeitschriften, DVDs, Online-Datenbanken und Seminare. Besonders geschätzt wird beck-shop.de für sein

umfassendes Spezialsortiment im Bereich Recht, Steuern und Wirtschaft mit rund 700.000 lieferbaren Fachbuchtiteln.

Index

A

- Advertising 638 et seq., 719, 747
- Alleged entitlement 767
- Analogues 132
- Animal testing 315 et seq., 335 et seq.
- Appeal 860, 866
- Application
 - filing of bonus effect 581
 - industrial 4

B

- Bioequivalence study 748
- Biological material 691, 733
 - definition 597
 - protection 584 et seq., 593 et seq.
- Biotechnology
 - expectation of success 242 et seq.
- Biotechnology Directive 584 et seq., 691
 - harmonisation 591
 - human body 10 et seq.
 - human embryos 14 et seq.
 - human embryos, definition of 24 et seq.
- Bonus effect 363 et seq.
 - dosage recommendation 377 et seq.
 - enantiomers 376 et seq.
 - filing 581
 - inventive step 371
 - knowledge of person skilled in the art 363, 370, 374 et seq., 377 et seq.
 - obviousness 363

C

- Cease and desist 764, 792
 - no risk of infringement 780
- Chemicals
 - protection 582 et seq.
- Claim
 - interpretation 538 et seq., 572 et seq.
- Clinical studies 734 et seq., 940 et seq.
- Commercial application
 - lack of 61
- Compositions 635 et seq.
 - assessment of 395 et seq.
 - dosage recommendation 395 et seq.
 - further development of 483
 - obviousness 384 et seq.
- Compound
 - protection 9
- Compulsory licence 797, 870 et seq.
 - action for 872
 - by injunction 980 et seq.
 - consent 884 et seq., 889 et seq.

- court ordered 871 et seq.
 - duration 869
 - eligibility 882 et seq.
 - extent 869
 - governmental use 871
 - hypothetical agreement 958 et seq.
 - patent invalidity 990 et seq.
 - public interest 871 et seq., 911 et seq., 933 et seq., 940 et seq.
 - reasonable effort 894 et seq., 901 et seq., 953 et seq.
 - remuneration 894, 907, 951 et seq., 958 et seq.
 - requirements 876 et seq., 881 et seq.
 - transfer 870
 - TRIPS 875
 - value 946 et seq., 973 et seq.
- Contract
- acquisition of possession 755 et seq.
- Conversion 721, 723 et seq.
- Could-would approach 404
- Cross-label use 641

D

- Damages 761, 811, 995
- Destruction 811
 - claim for 798 et seq.
 - reserve samples 806
- Direct preparation 750
- Direct process product 665
 - biological material 691
 - data sequence 685 et seq.
 - definition 677 et seq.
 - domestic connection 688 et seq.
 - novelty 674 et seq.
- Disclosure
 - accessible 101 et seq., 158
 - application documents 536, 541, 564
 - concept of 79
 - enabling 451 et seq., 492 et seq.
 - formula 74 et seq.
 - generalisations 485 et seq., 498 et seq., 509 et seq.
 - implied 74
 - inadmissible extension, see Inadmissible extension
 - inventive step 317, 442 et seq.
 - measuring method 517 et seq.
 - method selection 474
 - numerical ranges 187 et seq., 196 et seq.
 - person skilled in the art 475

- prior publication 74 et seq., 93 et seq., 284 et seq.
- process patent 74
- process step 458 et seq.
- range 453 et seq., 509 et seq.
- ranges 477 et seq., 482, 537
- requirements 530 et seq.
- substance invention 582 et seq.
- time for manufacture 534

Discovery

- definition 9 et seq.

Disproportionality 793 et seq.

Dosage recommendation 41 et seq., 51 et seq.

- bonus effect 377 et seq.
- compositions 385, 395 et seq.
- inventive step 48, 332 et seq., 349 et seq.
- novelty 48

E

Enantiomers 74 et seq., 212 et seq., 313 et seq.

- bonus effect 376 et seq.
- expectation of success 242

Enforcement Directive 850 et seq.

Equivalence 694 et seq.

- weights and measures 711 et seq.

Equivalents 692 et seq.

Exclusions 619 et seq.

- dosage recommendation 41 et seq.
- human body 10 et seq.
- human embryos 13 et seq.
- human embryos, definition 24 et seq.
- surgical, therapeutic or diagnostic methods 40 et seq., 70 et seq.

Experimental privilege 732 et seq.

- acts 738 et seq.
- offering 746

F

Food colouring 273 et seq.

Formula

- disclosure 74 et seq.

Forum shopping 869

G

Generalisations

- disclosure 485 et seq., 498 et seq., 509 et seq.

Generics 640 et seq., 734, 749, 823 et seq.

- exceptions to invalidity 838, 840 et seq.
- infringement by 785 et seq.

Genetic material

- protection 585 et seq., 593 et seq.

I

Inadmissible extension 536 et seq.

- definition 536
- examination 552 et seq.

Indications

- further medical 51 et seq.

Individualisation 81

Information

- claim to 810
- contradictory 103 et seq.
- disclosure 74 et seq.

Infringement 565 et seq., 783 et seq.

- abroad 781
- advance 720
- by equivalents 692 et seq.
- combination 722 et seq.
- consequences 761 et seq.
- contributory 645 et seq.
- damages 761
- definition 766
- denial 702 et seq.
- direct 634 et seq., 715 et seq.
- direct preparation 750
- equivalent 642 et seq., 704, 707, 710, 713
- first 770 et seq.
- indirect 634 et seq., 647, 726 et seq.
- injunction 810
- knowledge of 817 et seq.
- literal 707, 710
- marketing authorisation 778
- offering. See offering
- presumption 776 et seq.
- probability 814
- process patent 725 et seq.
- risk of first infringement 824
- second medical indication 648 et seq.
- temporal link 779
- unauthorised registration 784 et seq.
- without prejudice' 772

Injunction 762

- abuse of rights 868 et seq.
- application 818 et seq., 820 et seq., 989
- burden of proof 808 et seq.
- compulsory licence 980 et seq.
- disproportionality 793 et seq.
- entitlement 808 et seq.
- first instance decision 826 et seq., 830, 835
- grounds 815 et seq.
- patent validity 825 et seq.
- preventative 766
- proceedings 807 et seq., 859 et seq.
- proportionality 789 et seq.
- urgency 817 et seq., 843 et seq.

injunction

- preparatory acts 819
- urgency 823 et seq.

Instructions 51 et seq., 56

Interdependency 59

Interpretation

- drawings 611
- general principles 572 et seq.
- numbers and dimensions 575 et seq.
- patent claim 538 et seq., 542 et seq., 552 et seq.

Invalidity

- action for 93
- claim version 540 et seq.
- exceptions 837
- scope of claim 467 et seq.

Invention 73

- advantages of 221 et seq.
- definition 6 et seq.
- novelty 72 et seq.
- possession of 751 et seq.
- technical problem 202 et seq.
- undefined feature 552 et seq.

Inventive step

- assessment of 200, 205 et seq., 212 et seq., 221 et seq., 255, 362
- bonus effect, See bonus effect
- compulsory licence 970
- departure from state of the art 380 et seq.
- disclosure, see Disclosure
- dosage recommendation 48, 49, 57
- efficacy 297 et seq.
- expectation of success 239 et seq., 294 et seq., 302
- expectation of success, definition 318 et seq., 335 et seq.
- manufacturing process 432 et seq.
- natural laws 38
- new medical use 627
- obviousness 313, 316 et seq., 332 et seq., 335 et seq., 393 et seq., 418 et seq.
- predictability of results 262
- range selection, see Range
- requirements 198 et seq.
- state of the art 199
- suggested methods 418 et seq.
- technical problem, see Technical problem
- tool, use of 305 et seq.

L

Lauer-Taxe 782 et seq., 784 et seq.

Liability

- justification 664
- without manifest preparation 654

M

Manifest preparation 635 et seq., 640 et seq., 650 et seq., 729

- advertising 638 et seq.
- liability without 654 et seq.
- second medical indication 640

Manufacturing process 403, 432 et seq.,

- 666 et seq.
- decisive factor 673
- description 601 et seq.
- fermentation 670 et seq.
- screening 667 et seq.
- use in interpretation 616 et seq.

Marketing authorisation

- risk of first infringement 778

Marketing authorisation privilege 740 et seq.

Medical indication

- further 621 et seq.
- manifest preparation 640
- novelty 73, 150 et seq.
- patentability 620 et seq.
- scope of protection 617 et seq., 623 et seq., 628 et seq.
- second and further 150 et seq.

N

Natural laws 33 et seq., 38

Natural substance

- protection 9

Novelty

- additional use 135 et seq.
- definition 116, 121
- direct process product 674 et seq.
- disclosure, see Disclosure
- dosage recommendation 48, 49, 57
- exclusion 162 et seq.
- invention 72 et seq.
- medical indication 73
- medical uses 150 et seq.
- process patent 121 et seq.
- ranges 187 et seq., 196 et seq.
- reproduction of a teaching 182 et seq.
- requirements 72 et seq.

Numbers and dimensions 575 et seq.

- equivalence 711 et seq.

O

Offering 715 et seq.

- definition 715
- Lauer-Taxe 716 et seq.
- time of 720

P

Patent

- description 211
- limited effect 297
- requirements, see Patent requirements 3 et seq.
- validity, see Validity

Patent claim

- conformity 616 et seq.
- different version 540 et seq.
- equivalents 692 et seq.
- first medical indication 617 et seq.
- generalisations 492 et seq.
- information 61 et seq.
- interpretation 542 et seq., 552 et seq., 607 et seq., 611 et seq.
- limitation 701
- numbers and dimensions 575 et seq.
- statements 68
- substance, See Substance protection

Patent claims

- purpose-related 633

- Patent infringement
 - see Infringement
- Patent requirements
 - BGH assessment 2
 - exclusions, see Exclusions 10 et seq.
 - inventive step, see Inventive step
 - novelty, see Novelty
- Patentability
 - direct process product 672 et seq.
 - instructions 51 et seq.
- Penalty clause 764
- Person skilled in the art 573
 - animal testing 315 et seq.
 - bonus effect 363, 377 et seq.
 - compositions 384 et seq., 395 et seq.
 - disclosure 451 et seq., 475
 - dosage recommendation 349 et seq.
 - effort by 101 et seq., 108 et seq., 124 et seq., 144 et seq., 199, 221 et seq., 239 et seq., 304 et seq.
 - equivalents 693
 - expectation of success 124 et seq., 239 et seq., 270, 273 et seq., 304 et seq., 335 et seq.
 - extensive testing 284 et seq.
 - general knowledge 316 et seq., 370, 374, 441, 518 et seq.
 - information 74 et seq., 98
 - method selection 492 et seq.
 - numbers and dimensions 577 et seq.
 - obvious attempts 401
 - obviousness 313 et seq., 418 et seq.
 - purposefully used 135 et seq.
 - standard 551
 - test results 509 et seq.
- Pharmaceutical
 - expectation of success 242 et seq.
- Possession
 - acquisition by contract 755 et seq.
 - burden of proof 804 et seq.
 - definition 759 et seq.
 - destruction 799 et seq.
- Preliminary research 734
- Process patent 432 et seq., 504 et seq., 665 et seq.
 - direct infringement 725 et seq.
 - direct process product, see Direct process product
 - disclosure 74
 - independent evaluation 440
 - indirect infringement 727 et seq.
 - novelty 121 et seq.
- Process step 403
 - disclosure 458 et seq.
- Product-by-process 598 et seq.
 - interpretation 607 et seq., 611 et seq., 616 et seq.
- Protection
 - purpose limited 51 et seq.
- Protective brief 861
- Purposeful use 141 et seq.

- R**
- Range
 - defined 482
 - disclosure 453 et seq., 537
 - selection from 406 et seq., 492 et seq.
- Recall 811
- Red Dove formula 7
- Registration
 - unauthorised 784 et seq.
- Reproduction
 - teaching 182 et seq.
- Right of prior use 751 et seq.
 - definition 751
- Risk of repetition 764, 771
 - assessment of 765
 - presumption 776 et seq.
- Roche-Bolar 734

- S**
- Screening 667 et seq.
- Side effects 343 et seq.
- State of the art
 - compositions 384 et seq.
 - departure from, 380 et seq.
 - departure from, definition of 380
- Statement of Reasons 845 et seq.
- Stem cells 13 et seq.
- Substance
 - alternative 212 et seq.
 - manifest preparation 624
 - new medical use 623, 627
- Substance protection 580 et seq.
 - absolute 9
 - accidental use 100
 - biological material 584 et seq.
 - chemicals 582 et seq.
 - disclosure 582 et seq.
 - experimental privilege 732 et seq.
 - product-by-process 598 et seq.
 - purposefully used 100
 - scope 581, 621 et seq., 623 et seq., 628 et seq.
- Supplementary Protection Certificate 82 et seq., 720
 - validity 829
- Surprising effect
 - see Bonus effect
- Swiss-type claim 625

- T**
- Technical character 6 et seq.
- Technical problem 200 et seq., 218
 - formulation of 202, 236 et seq.
- Test results 184 et seq., 284 et seq., 821 et seq.
- Third party interests 789 et seq.

Index

Tolerances 577
TRIPS waiver 870

U

Use order 997 et seq.
Use patent 634 et seq.
– indirect infringement 728 et seq.
– manifest preparation, see Manifest
preparation
Utility model 622
– validity 839

V

Validity
– pending 845 et seq., 850 et seq.
– proceedings 847 et seq.
Validity
– sufficiently secured 825 et seq., 832 et seq.

W

Working process 666



beck-shop.de
DIE FACHBUCHHANDLUNG