

Jurgita Randakevičiūtė-Alpman

# The Relationship between Law and Biomedical Sciences in the Context of Article 53(a) of the European Patent Convention



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*To my family and in memory of my father.*



## Acknowledgements

This book is based on a doctoral dissertation<sup>1</sup> submitted in pursuit of the degree of Doctor in Social Sciences (Law) at Vilnius University, Lithuania. In the Lithuanian context, this doctoral dissertation is exceptional because, according to the publicly available databases,<sup>2</sup> this is the first doctoral research in the field of patent law in Lithuania during the entire period of restoration of Independence of the Republic of Lithuania since 1990.<sup>3</sup> Although this book was later updated and slightly modified, as the doctoral dissertation was written for Vilnius University, its structure and research methods are still partly in line with Lithuanian academic standards.

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1 Doctoral dissertation ‘The Relationship between Law and Biomedical Sciences in the Context of Article 53(a) of the European Patent Convention’ (in Lithuanian: *Teisės ir biomedicinos mokslo santykis Europos patentų konvencijos 53 (a) straipsnio kontekste*) (supervisor: Prof. Dr. Jevgenij Machovenko, Vilnius University).

2 A search for dissertations in Lithuania on the topic of patent law conducted through: (1) Lithuanian Academic Electronic Library, Lithuanian Electronic Theses and Dissertations (ETD) Database <[https://aleph.library.lt/F?func=option-update-lng&P\\_CON\\_LNG=ENG](https://aleph.library.lt/F?func=option-update-lng&P_CON_LNG=ENG)> accessed 30 May 2023 (search criteria: (1) Basic search: (i) (a) Word or phrase: ‘išradim’, (b) Field to search: ‘Title’ and (c) Type of document: ‘Dissertations’; and (ii) (a) Word or phrase: ‘patent’, (b) Field to search: ‘Title’ and (c) Type of document: ‘Dissertations’; (2) Multi-field Search: (a) Title: ‘išradim’, (b) Title: ‘patent’ and (c) Document type: ‘Dissertations’; (3) Advanced search: (a) Word or phrase: ‘išradim’ and Field to search: ‘Title’, (b) Word or phrase: ‘patent’ and Field to search: ‘Title’, (c) Document type: ‘Dissertations’ and (d) Words adjacent?: ‘No’); (2) Research Council of Lithuania, Database of dissertation defences <<https://db.lmt.lt/lt/perziura/disertacijos/d-db.html>> accessed 30 May 2023 (search criteria: (1) search word ‘patent’ in the search field and (2) search word ‘išradim’ in the search field).

3 On 11 March 1990, the Supreme Council of the Republic of Lithuania adopted an Act on the Restoration of the Independent State of Lithuania.

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## Abbreviations

Agreement on a Unified Patent Court	Agreement on a Unified Patent Court, OJ C 175, 20.6.2013, p. 1
Biotech Directive, Directive	Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions, OJ, 1998 L 213, p. 13
CJEU, The Court of Justice	Court of Justice of the European Union
Declaration	Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III)
EEC	European Economic Community
EPC 1973	Convention on the Grant of European Patents of 5 October 1973 (European Patent Convention)
EPC, Convention	Convention on the Grant of European Patents of 5 October 1973, as revised on 17 December 1991 and on 29 November 2000 (European Patent Convention), [2001] OJ EPO 55.
EPC Implementing Regulations	12 December 2002 Implementing Regulations to the European Patent Convention, [2003] OJ EPO, p. 57
EPO, Office	European Patent Office
EPO Board(-s) of Appeal, Board(-s), EPO Divisions	European Patent Office's Enlarged Board of Appeal and Boards of Appeal
EPO case law	Case law of the European Patent Office's Opposition Division, Boards of Appeal and Enlarged Board of Appeal
EPO Opposition Division	Opposition Division of the European Patent Office
EPOrg	European Patent Organisation
EU, Union	European Union
EU Treaty	Consolidated version of the Treaty on the European Union, OJ, 2016 C 202, p. 13
Guidelines for Examination, Guidelines	Guidelines for Examination in the European Patent Office

## Abbreviations

ICCPR	International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171
OECD	Organisation for Economic Co-operation and Development
Order of 2012	16 October 2012 Order 'On the Confirmation of the List of Study Branches Comprising Science Fields' ( <i>Dėl mokslo krypčių patvirtinimo</i> ). <i>Valstybės žinios (Official Gazette)</i> , 2012, No. V-1457
Order of 2019	6 February 2019 Order 'On the on the adoption of the Classifications of the Fields of Science and of the Fields of Art' ( <i>Dėl Mokslo krypčių ir Meno krypčių klasifikatorių patvirtinimo</i> ). <i>Valstybės žinios (Official Gazette)</i> , 2019, No. V-93
Regulation 1257/2012	Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection, OJ, 2012 L 361, p. 208
Regulation 1260/2012	Council Regulation (EU) No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements, OJ, 2012 L 361, p. 89
Strasbourg Convention	Convention on the Unification of Certain Points of Substantive Law on Patents for Invention of 27 November 1963 (ETS No. 047) (adopted 27 November 1963)
TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights (Marrakesh, Morocco, 15 April 1994), Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, THE LEGAL TEXTS: THE RESULTS OF THE URUGUAY ROUND OF MULTILATERAL TRADE NEGOTIATIONS 321 (1999), 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994)
Unitary Patent	European patent with unitary effect as defined in Art. 2(c) of Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection, OJ, 2012 L 361, p. 208
UPC	Unified Patent Court
U.S.	United States of America
WTO	World Trade Organization