

Track
06

Intellectual Property

Recent Biotech Patent Cases of Korea and USA, Countermeasures Nagoya Protocol on the biotechnology industry

April 8(Wed), 13:00 ~ 17:30 / Room.308

This IP track will discuss current issues in Biotech Patent Cases of Korea and USA and Countermeasures Nagoya Protocol on the biotechnology industry. The first session presentations will be focusing on Guidance for Determining Subject Matter Eligibility in Korea and USA. It will also review the Mayo decision and the Myriad decision and the USPTO's Guidance document. Finally we hope that the listeners in presentation will understand the current landscape of biotech patentable subject matter in Korea and USA.

The second session will introduce Nagoya Protocol on impact of biotechnology patent law and Nagoya Protocol national implementation. We are going to introduce to the current outlook and discuss ways to successfully adopt the Nagoya Protocol to our industry.

SESSION 1. RECENT BIOTECH PATENT CASES OF KOREA AND USA 13:00 ~ 14:00

This session will discuss recent Biotech Patent Cases of Korea and USA focusing on Guidance for Determining Subject Matter Eligibility. In 2012 and 2013, the U.S. Supreme Court handed down two important decisions regarding what is patentable subject matter under U.S. law. The decisions, Mayo v. Prometheus and AMP v. Myriad Genetics, held that diagnostic methods and isolated DNA were not eligible subject matter for patent claims. In 2014, the U.S. Patent and Trademark Office (USPTO) issued a Guidance document to Examiners that substantially expanded the analysis for determining non-patentable subject matter. This session will discuss the subject matter of the Mayo decision and the Myriad decision. It will also review the KIPO's (the Korean Intellectual Property Office) Examination Guideline and USPTO's Guidance document to biotechnological inventions. Several biotechnology examples will be applied to the Guidance document to help the listener. By attending the presentation, the listener will understand the current landscape of biotech patentable subject matter in Korea and USA.

13:00 ~ 13:30	<p>Recent Biotech Patent Cases of Korea WeonHye Shin, Senior Deputy Director, Biotechnology Examination Division, Korea Intellectual Property Office, Korea</p>
13:30 ~ 14:00	<p>Recent Biotech Patent Cases of USA ERIC E. WILLIAMS, Patent Attorney, Intellectual Property, Barnes & Thornburg LLP, USA</p>

The development of biotechnology was influenced by genetic resources and traditional knowledge. The Nagoya Protocol provides a transparent legal framework on access to genetic resources and fair and equitable benefit sharing arising from the utilization of genetic resources. The implementation of the Nagoya Protocol will force industry to pay for the royalties for using of bio-genetic resources outside of their country. The Nagoya Protocol entered into force on October 12, 2014 and the development of botanical drug product using bio-genetic resources has limiting factors in many areas. In order for us to effectively implement the Nagoya Protocol at the domestic level, it is necessary for us to analyze the impact and factors that would influence the pharmaceutical industry. Therefore, our goal is to introduce that Nagoya Protocol on impact of biotechnology patent law and Nagoya Protocol national implementation. Also we are going to introduce to the current outlook and discuss ways to successfully adopt the Nagoya Protocol to our industry.

SESSION CHAIR **Mi-One Son**, Director, Research Center, Dong-A ST Co., Ltd, Korea

Nagoya Protocol and Patents on Biotechnology

14:30 ~ 15:00 **Jeong-Ah Kim**, an assistant junior official, Biotechnology Examination Division, Korea Intellectual Property Office, Korea

Nagoya Protocol Implementation Act

15:00 ~ 15:30 **Eun-Jeong Yoon**, an assistant junior official, Nature Conservation Bureau, Ministry of Environment, Korea

The Influence of the Nagoya Protocol on Pharmaceutical Industry

15:30 ~ 16:00 **Mi-One Son**, Director, Research Center, Dong-A ST Co., Ltd, Korea

The Countermeasure of The Nagoya Protocol for Botanical Drug Development

16:00 ~ 16:30 **Dae-Hee Shin**, Executive Director Central R&D Institute, YUNGJIN PHARM. CO., LTD, Korea

Panel Discussion

Chair **Mi-One Son**, Director, Research Center, Dong-A ST Co., Ltd, Korea

Panel **Jeong-Ah Kim**, an assistant junior official, Biotechnology Examination Division, Korea Intellectual Property Office, Korea

16:40 ~ 17:30

Eun-Jeong Yoon, an assistant junior official, Nature Conservation Bureau, Ministry of Environment, Korea

Dae-Hee Shin, Executive Director Central R&D Institute, YUNGJIN PHARM. CO., LTD, Korea