



Egorov Puginsky Afanasiev & Partners works with Tilling Peters to win victory for Bayer in patent dispute

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Associates from the Firm have continued their efforts to protect the patent rights of major international pharmaceutical firms, working with colleagues from Tilling Peters to secure a victory in the Intellectual Property Court for German multinational Bayer, overturning previous court rulings in the case.

Along with other leading global pharmaceutical companies such as Novartis, Celgene, BMS, Boehringer Ingelheim, AstraZeneca, Pfizer, and Orion, Bayer has had to contend with unscrupulous practices on the part of Russian manufacturers, who produce generic versions of treatments included on the Russian List of Vital and Essential Drugs that are still covered by a valid patent.

Bayer, which makes the innovative cancer drug Nexavar, was forced to turn to the courts in a bid to protect its exclusive rights and prohibit local manufacturers from distributing generic versions prior to the expiry of its patent. The respondent in the case, a Russian manufacturer, submitted a counter claim asking for a compulsory licence to be issued in advance of the patent's expiration date.

In considering Bayer's case, the court of first instance and court of appeal declined, on formal grounds, to carry out a judicial patent review. The courts assessed the patent details presented in the case materials independently, and incorrectly concluded that there was no proof that our client's patent had been used in the respondent's drug. This ruling effectively rendered Bayer unable to legally protect its intellectual property rights, but was overturned by the Intellectual Property Court, which sent the case back for reconsideration.

Bayer's interests were represented in court by Partner Valery Eremenko and Counsel Vera Rikhterman from Egorov Puginsky Afanasiev & Partners, and by Senior Partner Ekaterina Tilling and Associate Ekaterina Lobysheva from Tilling Peters.

MORE INFORMATION

pr@epam.ru
+7 495 935 80 10
Elena Uspenskaya
Natalia Nikulina