

# Patent cases for Law undergraduates

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# Difficulties

- ▼ Lack of technical background.
- ▼ Insufficient procedural background.
- ▼ Lack of knowledge of foreign languages.
- ▼ Lack of significant Supreme Court jurisprudence.



# Attractives

- ▼ Economic importance.
- ▼ In some occasions, complex legal problems.
- ▼ Possibility of studying real cases with real materials.
- ▼ Links with other disciplines: Antitrust Law, Civil Law aspects, Legal policy (AIDS patents)
- ▼ Strategic thinking: evergreening of patents



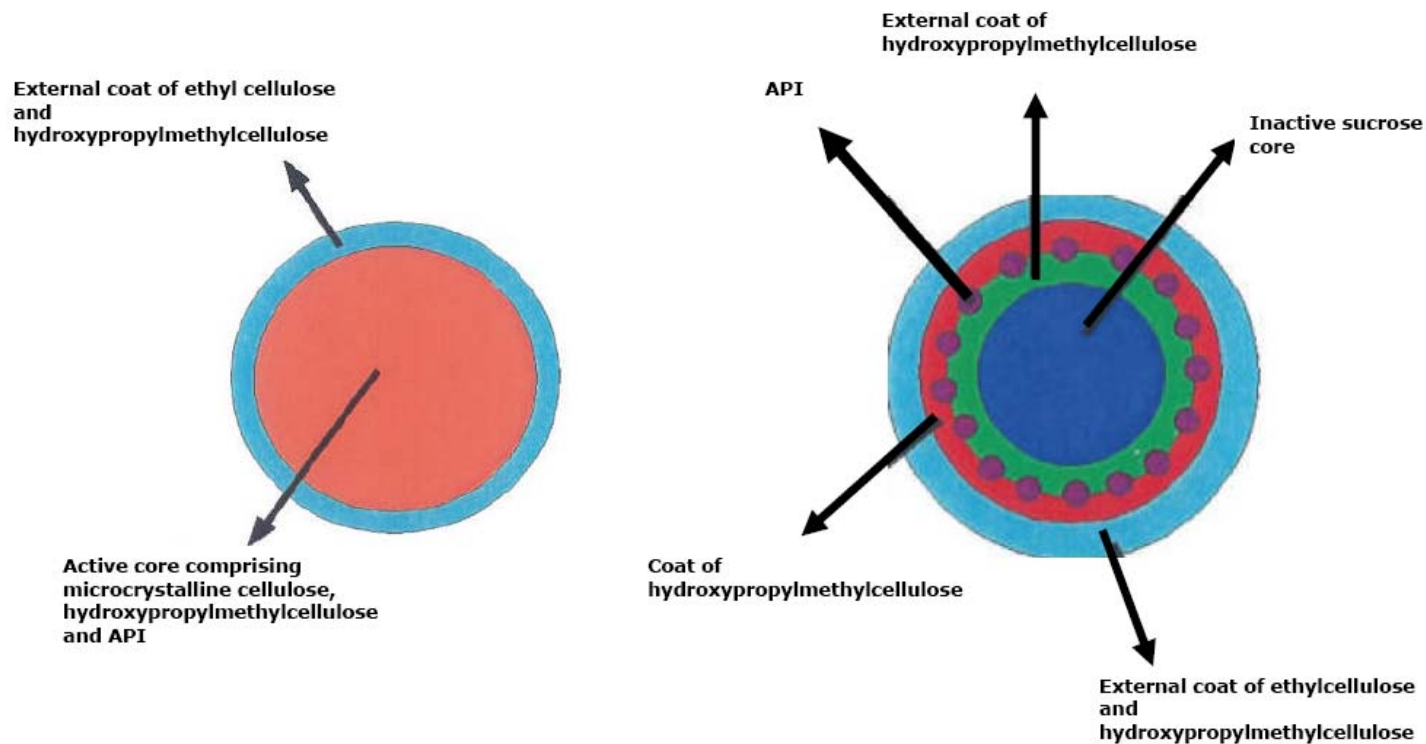
# Chemical patents: utopia?

Possibility of introducing new aspects: the anti-trust investigation of the Commission.

Cases of abusive litigation.



# API case in Spain



**CLAIM 11:** A coated spheroid in which the spheroid is comprised of API, microcrystalline cellulose and hydroxypropylmethyl cellulose and is coated with ethyl cellulose and hydroxypropylmethylcellulose



# Mechanical patents

- ▼ Advantages.
- ▼ Claims are easier to read.
- ▼ Every day products.
- ▼ The student can feel, see and touch the mechanical patent.
- ▼ It is adequate to explain peculiarities of the system, like the national novelty requirement of utility models.



# Case of the security belts for pregnant women (I)

## ▼ EP 456 745 "A device for use with a safety belt"

1. A device for use with a safety belt (8), e.g. a three-point safety belt, and a seat in a car to prevent the transversal portion of the safety belt (8), the transversal belt (8a), which in a normal position lies in loose contact across the user's thighs and is held down on both sides of the user's thighs (the lap), from sliding up onto and exerting pressure against the user's abdomen in case of abrupt braking or a car crash, which may result in injuries of internal organs, especially the womb and foetus of pregnant women, or of external auxiliary organs of stomi operated persons, **characterized in** that the transversal belt (8a) in addition is releasably fastened to a first connection means (5), which is fastened to a sitting support (3) between the user's thighs.



## Case of the security belts for pregnant women (II)

▼ EP 456 745 "A device for use with a safety belt"

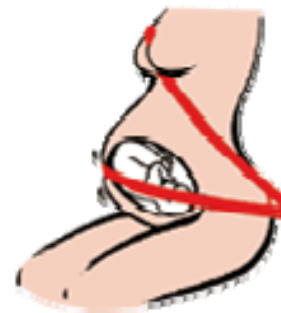
2. A device as stated in claim 1, **characterized in** that the sitting support (3) consists of the seat portion (3a) of the car seat.

3. A device as stated in claim 1, **characterized in** that the sitting support (3) consists of a flat flexible seat cushion (3b) to be provided on the seat portion (3a) of the car seat.

EP 456 745



OTHERS



# Case of the security belts for pregnant women (V)

*BESAFE*



*SAFE "N" COMFY*



# Conclusions

- ▼ Cases are a necessary part of the teaching of IP.
- ▼ Patent cases or technical cases must be gradually introduced to the students.
- ▼ It is recommended to give some guidelines or to prepare the case gradually with the students.
- ▼ Mechanical patents seem the most idoneous candidate to try (also applicable to utility models).



THANK YOU FOR YOUR ATTENTION!

