

Life Sciences

Expertise

Bird & Bird has extensive experience of advising on EU and competition law in the pharmaceutical sector. We have a strong focus on this area in most of the countries in which we are present, and some members of our group have acknowledged reputations for competition law in the life sciences sector.

We have acted in court cases on parallel imports of pharmaceuticals and litigating and advised on specific regulatory and competition law requirements. We provide strategic advice and support to businesses on competition law in relation to refusals to supply exporter wholesalers, agreements affecting inter-state trade and the specific practical steps that must be followed by companies to avoid or minimise risk of infringing competition law in relation to parallel trade.

We advise on the EU free movement rules in relation to intellectual property rights as well as on the competition law rules on parallel trade and on strategies for controlling parallel imports. We advise on the maximum permissible or acceptable steps that can be taken by a supplier and provide detailed compliance advice on avoiding competition law scrutiny for a company's parallel trade strategy within the EU and the EEA. We also advise on the monitoring and control, as far as possible, of exports outside of the EU and EEA.

We advise in detail on the overlapping competition law, intellectual property and regulatory aspects of the pharmaceuticals sector and their impact on R&D, manufacturing and sale of pharmaceutical and of biotechnological products. For example we have advised extensively on the issues raised in the European Commission's pharmaceuticals sector inquiry.

We advise in detail on the competition law aspects of technological collaboration and licence agreements and on (often innovative) strategic alliances in the pharmaceuticals and biotechnology fields. This typically involves the application of competition law in relation to patents, confidential know-how and trademarks in the specific life sciences context. In all cases, we advise on the maximum steps that a client may take to achieve its commercial objectives without creating unacceptable risks of competition law infringement.

Two of our partners are the joint authors of a book on Competition Law and Intellectual Property Strategy in the Pharmaceuticals Sector.

Case study:

We provided Ablynx, the Nanobodies® developer, with detailed competition law advice on the competition law/intellectual property interface in relation to patent licenses concluded to settle patent dispute.

Case study:

Members of our team advised and represented Johnson & Johnson in a large number of German (Phase I and Phase II) merger control proceedings regarding acquisitions and divestitures in the medical devices sector. Recent cases included a German merger notification regarding the acquisition of Mentor Corporation, a manufacturer of breast implants and tissue expanders and complex German merger control proceedings regarding the acquisition of SurgRx, a manufacturer of electrosurgery equipment.

Case study:

We advised Ferring Pharmaceuticals on various EU & competition matters including on a refusal to supply issue and a prevention of parallel trade programme.



Contact details

Brussels - José Rivas jose.rivas@twobirds.com DD: +32 2 282 60 93 M: +32 495 578 552
Central Europe - Martin Maxa martin.maxa@twobirds.com DD: +421 232 332 814 M: +421 905 716 711
Finland - Katia Duncker katia.duncker@twobirds.com DD: +358 9 622 667 49 M: +358 505 604 070
France - Michel Roseau michel.roseau@twobirds.com DD: +33 142 68 63 50 M: +33 686 669 513
Germany - Jörg Witting joerg.witting@twobirds.com DD: +49 211 2005 6168 M: +49 151 14827 108
Italy - Eutimio Monaco eutimio.monaco@twobirds.com DD: +39 06 6966 7001 M: +39 3473745815
The Netherlands - Pauline Kuipers pauline.kuipers@twobirds.com DD: +31 70 353 8810 M: +31 651 517 600
Spain - Antonio Creus antonio.creus@twobirds.com DD: +34 91 790 6040 M: +34 639 345 339
Sweden - Henrik Nilsson henrik.nilsson@twobirds.com DD: +46 8 506 320 33 M: +46 734 242 033
UK - Richard Eccles richard.eccles@twobirds.com DD: +44 20 7905 6261 M: +44 7711 014 341

BIRD & BIRD

www.twobirds.com

Bird & Bird is an international legal practice comprising Bird & Bird LLP and its affiliated and associated businesses.

Bird & Bird LLP is a limited liability partnership, registered in England and Wales with registered number OC340318 and is regulated by the Solicitors Regulation Authority. Its registered office and principal place of business is at 15 Fetter Lane, London EC4A 1JP. A list of members of Bird & Bird LLP and of any non-members who are designated as partners, and of their respective professional qualifications, is open to inspection at that address.