

ABSTRACT

SPECIFIC OF PATENT LAW IN PHARMACEUTICAL INDUSTRY

This thesis scopes on particularities of patent law with regard to pharmaceuticals. It describes the basics of patent law while focusing mainly on international treaties, in particular on systems established by EPC and TRIPS. The patent system in USA and in the Czech Republic is also noted.

This thesis is divided into seven chapters. In the first chapter named sources of law international institutions, treaties and situation in European union, USA and Czech Republic are described here. This chapter also deals with basic legal instruments such as patent, corporate invention or utility model. The next chapter is focused on individual conditions that need to be met in order to grant a certain patent – the most basic are novelty, inventive step and industrial applicability. The following chapter deals with problems associated with costly development of new drugs and the need of companies to get the longest possible protection for their inventions. A special chapter addresses exceptions to the stiff patent regulation. Described in the next chapter is the compulsory license, a legal instrument not very particular in the Czech Republic but relevant in some developing countries used in order to secure better availability of drugs to society. Other chapters deal with particular invention types produced by pharmaceutical industry – chemical and pharmaceutical inventions. These chapters describe special types of substances as well as new uses for known substances and other inventions. The final chapter of the thesis is focused on patent infringement, its effects and means to defend oneself against such breach.