
EDITORIAL

Intellectual Property

You might be astonished that intellectual property was chosen as a special topic for CHIMIA. After all why should a chemist care about intellectual property? We have our specialists dealing with the matter of patents, trademarks and copyrights, so let us concentrate on 'true' science. Ten years ago the majority of the readers of CHIMIA might have thought this way. In the meantime it has become more and more obvious that intellectual property protection is paramount for the chemical industry. With increased globalization and global competition as a consequence thereof, only companies with a constant flow of innovative products and services will survive. The better you can protect this innovation the better off your company is.

Intellectual property protection has also grown in importance for universities. Nowadays it is more difficult than ever to secure funds for research. If the results of research could be commercialized, and at the same time a royalty stream generated from it, many financial problems of research groups at universities could be alleviated. The general public will also profit from such a development when the fruits of academic research are more often translated into practical products and made available.

Intellectual property rights get more and more attention in the general media. In the past few months a lot of awareness has been created on the emotional side, with slogans such as 'no patents for life', or in the context of the cost of healthcare, prices for pharmaceuticals and parallel imports. It is therefore appropriate for this journal to offer basic information on all aspects of intellectual property, to explain the principles that all scientists working in research, development, production, marketing and administration should know, and to point to some of the burning questions that intellectual property specialists are dealing with.

The first article in this issue provides basic information on patents. It is not only important to file patent applications and to get valid patents registered, it is even more important to be able to enforce the resulting rights against your competitors, and reference is made to the corresponding article on enforcement of intellectual property laws. Besides patents, trademarks are a form of intellectual property which is growing in importance for daily business. To better understand the general patent questions we suggest that the articles on the Swiss Federal Institute of Intellectual Property, on the European Patent Office, and on the World Intellectual Property Organization, which at the moment is working on a harmonizing Patent Law Treaty, are consulted. To know what is already known in a particular field of interest is a prerequisite for successful research. Every chemist therefore should understand and be able to apply some basics about searching. Search tools with special emphasis on patents are available, and one should use this easy access to a wealth of information, as demonstrated by the article on patent information on the Internet.

The political dimension of intellectual property is elucidated by the article on the importance of patent protection for the pharmaceutical industry. Likewise the report on biotechnology and patents deals with a topic in the center of political discussion. It is expected that the Swiss legislator will adapt patent law to the European standard for protection of biotechnological inventions as laid down in the Directive for the legal protection of biotechnological inventions of the European Communities passed by the Parliament of the European Union two years ago. The subject matter of patent protection for biotechnological inventions was excluded from the 'Gen-Lex' package in the Swiss parliament and made a separate topic in order to be able to fully align the Swiss patent law with the laws of our European neighbors. The article on biotechnology and patents explains that a patent for living matter does not correspond to ownership of plants, animals or microorganisms, or even ownership of life as such. It also does not give the right to practice the invention. Patents secure investments in research and development, and make sure that nobody can commercially exploit the invention without consent from the inventor.

Another topic that might be taken up by the Swiss parliament is the question of 'exhaustion' of patent rights and parallel imports of patented products. Parallel imports are of limited positive impact (if any) on the consumer end prices, but would seriously erode the value of patent protection and thereby cause damage for our industry that depends on a continuous flow of protected research results.

The abridged versions of the three postgraduate theses published in this issue all deal with aspects of politically important questions: The protection of plant varieties, some practical problems when patenting living material, and the doctrine of exhaustion in the Swiss patent law. These publications give a good impression of the efficiency of the postgraduate program in intellectual property at the ETH Zürich, which offers an ideal opportunity to start a career in intellectual property based on a university degree in chemistry or in another field of science and engineering.

It is no easy task to explain the special topic of intellectual property to the lay person. We hope that the readers of CHIMIA enjoy these articles that have been written for their benefit. The articles try to explain the principles, and hopefully contribute to bringing down the political discussion from the emotional level, where it is at present, to the level of objective arguments. Intellectual property protection is important for the chemical industry and universities alike.



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With great pleasure, the Editorial Board of CHIMIA thanks the coordinating guest editor Dr. Konrad Becker for his enormous efforts in the planning and efficient realization of the demanding task which is the present issue on 'Intellectual Property' with this large group of renowned authors.