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Prior to joining the French Ministry, Mr. Gallochat worked as a General Counsel at the Institut Pasteur in Paris from 1987-2000. He was an Industrial Property Manager in a French pharmaceutical company from 1979-1987, and practised as a private patent agent from 1973-1979.

Mr. Gallochat graduated in Industrial Property from C.E.I.P.I (Centre d'études internationales de la propriété industrielles) in Strasbourg after receiving his degree in Chemistry from the Ecole Nationale Supérieure de Chimie, Strasbourg. He has been awarded the Chevalier de la Légion d'Honneur (France).

Mr. Gallochat is co-author with Marie-Catherine Chemtob of *La brevetabilité des innovations biotechnologiques appliquées à l'Homme* (The Patentability of Biotechnological Innovations Related to Humans), TEC & DOC editors (October 2000) and the author of *La brevetabilité du vivant : de la bactérie au génome humain* (Patents on life : from bacteria to the human genome), LITEC editors (1997). He has written numerous reports for national authorities including, in France, for the Minister of National Education, Research & Technology, Minister of Industry, and in Canada for the Federal Government. He also contributed to articles concerning industrial property issues, more especially in the biotech field.

THE IPR SYSTEM AND ITS RELEVANCE TO GENETIC INVENTIONS

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The need for innovation and its protection through intellectual property rights has been recognised throughout the world; the patent system is clearly one of the tools for such a protection. An information policy is however needed towards the public, in order to fight against some misinterpretation:

- a patent does not bar the research;
- a patent is not an obstacle in the circulation of information;
- a patent is not an appropriation right.

On the other hand, we have to avoid to give arguments, such as the undue scope of claims, to the opponents of the patent system; the public is likely to accept the existence of a monopoly, provided the scope of the claims is appropriate when taking into consideration the invention as disclosed. This goal will be reached if:

- the applicants are reasonable in their requests;
- the patent offices are really critical in the appreciation of the prior art;
- the third parties are ready to lodge an opposition, when such a procedure is provided for, giving the examiners the possibility of considering new elements of the prior art, which were unknown during the examination. In case a basic principle has not been respected when the patent is granted, the governments must be ready to lodge such an opposition as well.

Finally, in the field of genetic inventions where public health is clearly involved, a great attention must be paid to the granting of compulsory licences by national authorities in order to give an unambiguous priority to public health; this would also participate in the acceptance of the patent system by the public.