



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Munich, Germany, 5-8 September 2010

“Patentability of Second (or Further) Medical Uses”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held Munich, Germany, from 5 to 8 September 2010, passed the following Resolution:

Having in mind that a second (or further) medical use is based on the invention of a new use for a known compound or composition having a previously known different use;

Noting that Article 27 Paragraph 1. of the TRIPS Agreement includes broad, inclusive language defining the scope of patentable subject matter and states that “patents shall be available and patent rights enjoyable without discrimination as to the field of technology”;

Considering that some countries exclude from patentability second (or further) medical uses of a known compound or composition, whereas other countries allow such uses to be patented; and

Emphasising the importance of affording patent protection for second (or further) medical uses to encourage the development of new medicines and the improvement of public health;

Resolves that no country should exclude from patentability second (or further) medical uses, provided that such uses meet all other patent eligibility requirements.