

Testimonianza del mondo imprenditoriale

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LIFE FROM INSIDE

“Innovazione e competitività: gestire al meglio marchi, brevetti e design”

February 11, 2008 – Assolombarda, Milano

Bracco Imaging SpA



**A global leading company
in Diagnostic Imaging Business**

Bracco Group

BRACCO SpA

**Holding Company
of a multinational Group
active in Healthcare Business
(founded in 1927)**

**Bracco
Ethical Drugs**

Distribution of
therapeutic drugs
only in Italy

CDI

Centro
Diagnostico Italiano
(Healthcare Services)

Bracco AMT

Advanced
Medical
Technologies

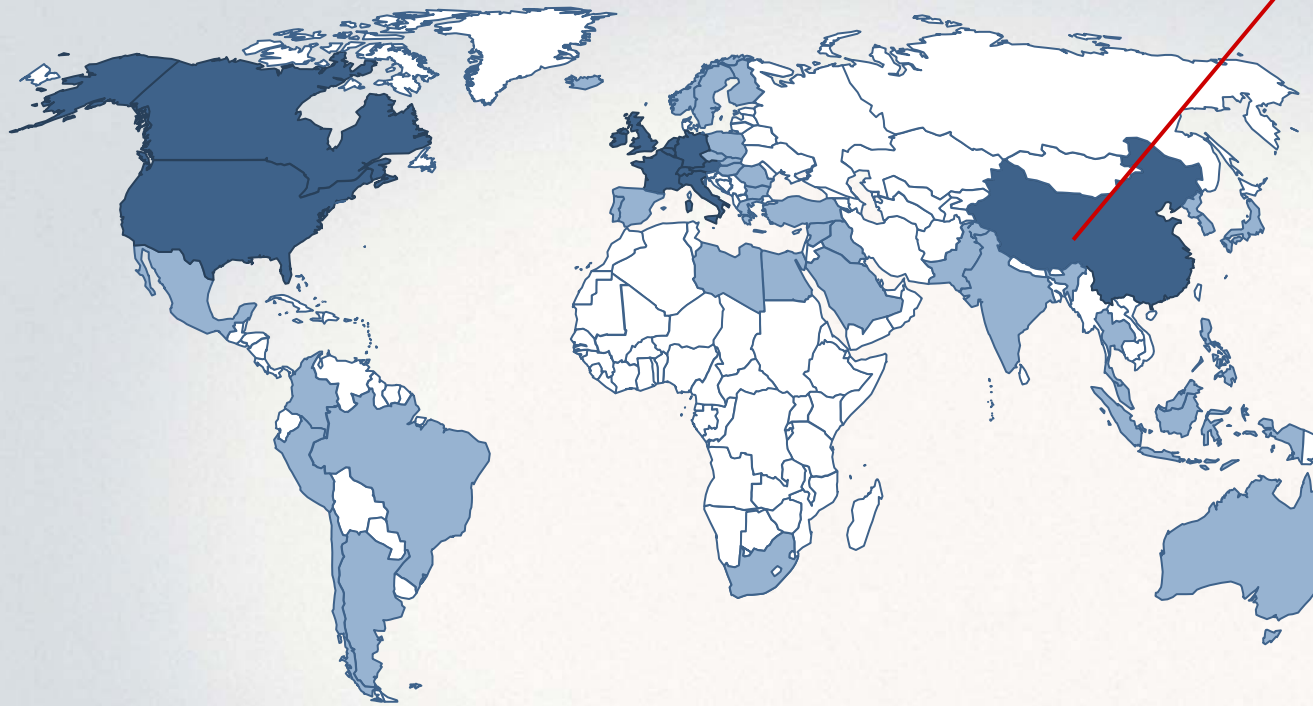
**Bracco Imaging
SpA**

- **Diagnostic Imaging Business**
- **Holding Company
of Bracco Imaging Group**

What is a Medical Imaging Agent

- **The Imaging Agents market is a sector within the imaging diagnostics industry.**
- **Medical imaging agents are pharmaceuticals used to allow diagnosis and monitoring of diseases with different modalities such as: X-Ray/CT, MRI, Ultrasounds, and Nuclear Medicine.**
- **Imaging agents are considered medicinal products by the regulatory authorities and are subject to strict regulatory requirements, equivalent to those regulating the manufacturing, development and marketing of therapeutic drugs.**

Worldwide Presence



CHINA

- Bracco-Sine JV, a fully integrated JV with Sine Pharmaceuticals (Bracco 70%, Sine 30%)
- head office in Shanghai; production facility in Shanghai/Pudong and R&D and Medical & Regulatory support office in Beijing

Bracco Imaging, headquartered in Italy, operates in over 80 markets worldwide, either directly or indirectly through subsidiaries, joint ventures, license and distribution partnership agreements.

■ Direct presence
■ Indirect presence

PRC: National Legislation - International Treaties

- First Patent Law of PRC adopted 12 March 1984 (entered into force 01 April 1985)- then amended in 1993 and 2001; (more recent version of the Guidelines: June 2006).

- International Treaties:

- World Intellectual Property Organization 03 June 1980
- Paris Convention for the Protection of IP 19 March 1985
- Patent Cooperation Treaty 01 January 1994
- Budapest Treaty (dep microorganism samples) 01 July 1995
- Locarno Agmt (intl. classification industrial designs) 19 Sept. 1996
- Strasbourg Agmt. (intl. classification patents) 19 June 1997
- TRIPs (trade-related aspects of IPRs) 10 December 2001
- [WTO 11 December 2001]

SIPO - State Intellectual Property Office

- **Draft proposals of and amendments to patent-related legislations;**
- **Receive and examine patent applications for invention, utility model and design, to grant patents, to deal with requests for reexamination and invalidation, and to receive and examine applications for registration of layout designs of integrated circuits;**
- **Coordinate and harmonize international affairs in IP field;**
- **Administer nation-wide patent affairs; and**
- **Instruct local governmental agencies in administrative enforcement of the patent law.**

SIPO - Administration of Local Patent Affairs

- The protection of patent rights in China can be attained both in **administrative** approach and in **judicial approach**.
- Any applicant, patentee or other interested person who is involved in a patent dispute may either:
 - institute an action before the Court, or
 - request the local IP administrative authority to mediate.
- Local intellectual property administrative authorities have been set up in the 31 provincial governments.
- Their main responsibility is to resolve in that local area patent disputes in cases of infringement or of other nature.
- The local IP administrative authorities have the power of administrative enforcement, and are engaged in disseminating intellectual property information and promoting public awareness, (but are not involved in patent examination).

SIPO - State Intellectual Property Office

- **Six functional departments including**
 - Patent Office, and
 - Patent re-examination Board**with 4,172 staff members at end 2006, 2,245 of whom in the Patent Office**
[EPO: 6,319 staff members]

- **(2007) Patent Representation:**
 - 627 patent agencies across PRC
 - 8,757 qualified patent agents, 4,586 practitioners**[epi: about 8,900 in 34 EPC member states]**

SIPO - State Intellectual Property Office

- **245,161 Patent applications filed at SIPO in 2007:**
 - Domestic: 153,060 (62.4%)
 - Foreign: 92,101 (37.6%)

[EPO 2006: 208 508]

- **67,948 Patents granted by SIPO in 2007:**
 - Domestic: 31,945 (47.0%)
 - Foreign: 36,003 (53.0%)

[EPO 2006: 62,780]

PCT 2006: Top 15 Countries of Origin

Country of Origin	2002	2003	2004	2005	2006	Change Compared with 2005
United States of America	41,296	41,029	43,350	46,772	50,089	7.1%
Japan	14,063	17,414	20,264	24,864	26,906	8.2%
Germany	14,326	14,662	15,216	16,009	16,866	5.4%
France	5,089	5,171	5,185	5,745	6,109	6.3%
Republic of Korea	2,520	2,949	3,558	4,687	5,935	26.6%
United Kingdom	5,376	5,206	5,026	5,077	5,064	-0.3%
Netherlands	3,977	4,479	4,284	4,514	4,452	-1.4%
China	1,018	1,295	1,706	2,499	3,910	56.5%
Switzerland	2,755	2,861	2,899	3,285	3,488	6.2%
Sweden	2,990	2,612	2,851	2,877	3,312	15.1%
Italy	1,982	2,163	2,189	2,346	2,721	16.0%
Canada	2,260	2,270	2,104	2,315	2,470	6.7%
Australia	1,759	1,680	1,837	1,994	1,989	-0.3%
Finland	1,762	1,557	1,672	1,891	1,863	-1.5%
Israel	1,174	1,129	1,227	1,456	1,584	8.8%
All Others	8,045	8,722	9,259	10,308	10,742	4.2%
Total	110,392	115,199	122,627	136,639	147,500	7.9%

Source: WIPO Statistics Database

- The most significant changes in 2006 are the rankings of the Republic of Korea (5th, up 1 place) and China (8th, up 2 places).
- All together, the European Patent Office Member States account for 50,016 PCT international applications, which is an increase of 5.6% over 2005

Alcune considerazioni

- Prima legislazione relativa a protezione IP in PRC entra in vigore in 1985
- Prendendo in esame, a titolo esemplificativo l'area "brevetti", si constata che già a fine 2007 la dimensione di SIPO ed il numero di pratiche trattate è dell'ordine di grandezza, ad esempio, dell'EPO (Ufficio Brevetti Europeo)
- Le aziende internazionali (il gruppo Bracco compreso) da diversi anni depositano sistematicamente i propri brevetti (e gli altri titoli IPR, in particolare, Marchi) in PRC

Alcune considerazioni (segue)

- Rilevanza strategica di IPRs in un dato territorio è legata a vari fattori, quali ad esempio:
 - dimensione attuale e potenziale del mercato di riferimento per i propri prodotti/servizi
 - articolazione delle leggi, in particolare in ambito specifico IP, relativamente sia all'ottenimento che all'enforcement degli IPRs (in ambito giudiziale ed amministrativo)
 - Grado di rispetto “volontario” degli IPRs da parte dei principali players di mercato (funzione sia delle norme e delle prassi, in particolare in materia di enforcement, che del grado di internazionalizzazione delle aziende locali concorrenti e della conseguente abitudine al rispetto degli IPRs su scala internazionale)

Alcune considerazioni (segue)

IPRs per loro natura sono titoli di proprietà atti a cogliere il potenziale di crescita di un mercato, agganciando ad esso il proprio valore nel tempo ed evidenziando le propria dimensione di indicatore di provenienza/titolarità della tecnologia/prodotto tutelata, che strategicamente può essere il primo passo nella negoziazione di accordi commerciali e di partnership - dalle Joint Ventures agli accordi di distribuzione o di produzione esclusiva - e quindi utile strumento per iniziare e consolidare progressivamente la propria presenza in PRC.

Conclusioni

- Proteggere le proprie innovazioni in PRC attraverso il ricorso sistematico all'ottenimento di IPRs
- Utilizzare i propri IPRs nei negoziati, pretendendone il rispetto da parte dei partners/competitors, mettendo in campo tutte le misure che la tecnologia e le leggi locali ed internazionali offrono per monitorare il rispetto degli accordi
- Ricorrere in particolare alle forme di enforcement amministrativo in PRC in caso di contraffazione, facendo leva su una riconosciuta presenza locale per quanto possibile, ed attivare contemporaneamente ulteriori misure difensive negli altri mercati “di destinazione finale” (ad es. controllo alle dogane e richiesta di provvedimenti cautelari nei maggiori mercati quali EU ed USA)

The ultimate IP strategy

IPRs:

**You must count on them
to count in your business !!!**

Grazie per la Vostra attenzione!