

Abel+Imray

# Patenting natural compounds Possibilities and Pitfalls

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# True or False?

“You can’t get a patent for a naturally-occurring material”

# What are patents granted for?

“European patents shall be granted for any inventions, in all fields of technology, provided that they are new, involve an inventive step and are susceptible of industrial application.”



# Exclusions to patentability

“The following in particular shall not be regarded as inventions...:  
(a) discoveries...”

# Exclusions to patentability

“European patents shall not be granted in respect of: ...plant or animal varieties or essentially biological processes for the production of plants or animals; this provision shall not apply to microbiological processes or the products thereof;”

# Exclusions to patentability

“European patents shall not be granted in respect of:  
...methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practised on the human or animal body; this provision shall not apply to products, in particular substances or compositions, for use in any of these methods.”

# Lucrebjen

Newly-isolated naturally occurring chemical species

Appears to be new (not previously known)

Appears to have pain-relieving properties

What patent protection can we get?



# Lucrebjen

Compound isolated from source?

Medical use of compound?

Method of isolating compound?

Composition comprising compound?

# Lucrebjen

Method of derivatising compound?

Non-natural derivative of compound?

Second and further medical use of compound?

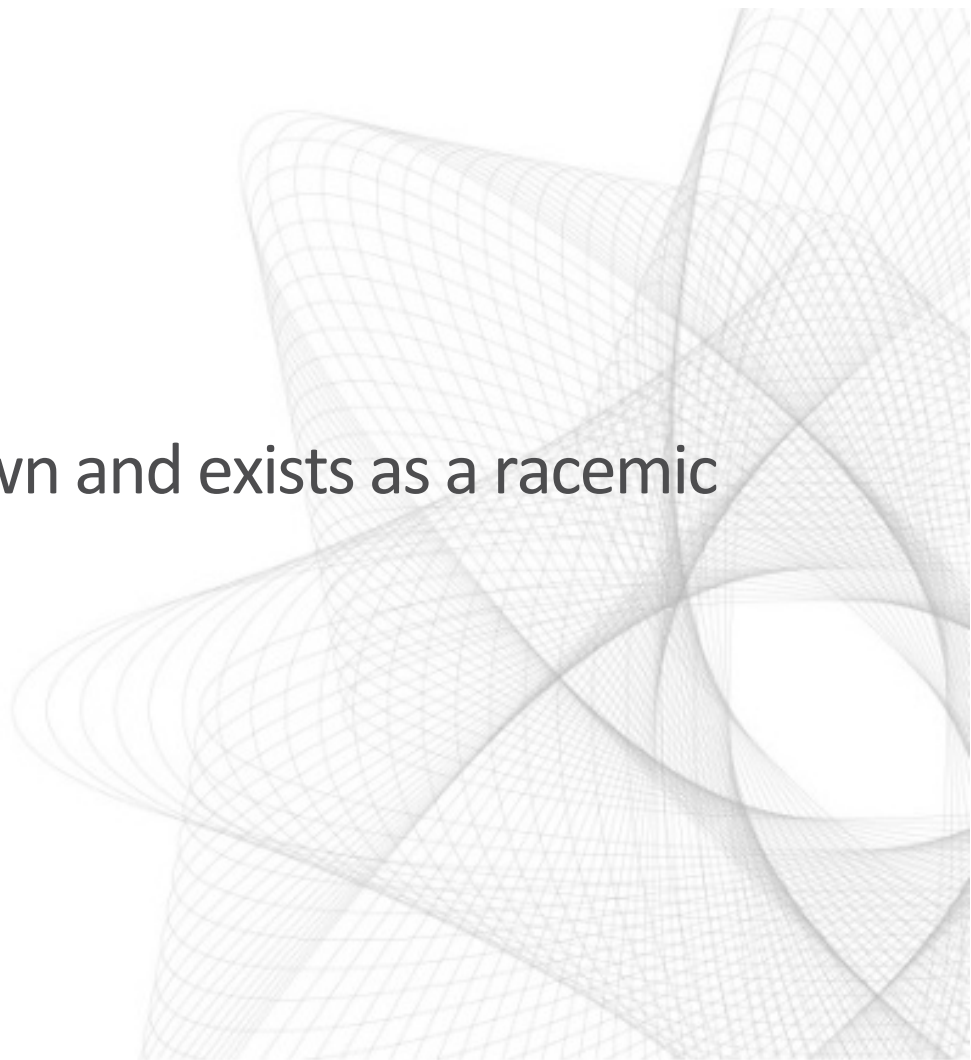
Non-medical use of compound?

# Lucrebjen

What if Lucrebjen is known and exists as a racemic mixture?

High purity Lucrebjen?

Single enantiomer?



The background of the slide features a complex, abstract pattern of overlapping, semi-transparent wireframe planes. These planes are oriented in various directions, creating a sense of depth and movement. The lines are thin and light gray, and they intersect to form a dense, grid-like structure that is slightly blurred and out of focus, giving it a modern, technical appearance.

# False

“You can’t get a patent for a naturally-occurring material”



# Conclusion

There are many ways in which you can get commercially-relevant protection for your “natural compound” invention

What you get will depend on the country/jurisdiction

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