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Dr. Derk Vos

Partner

German Patent Attorney

European Patent Attorney

UPC Representative

Chemist

Derk specializes in the fields of chemistry and pharmaceuticals, with particular emphasis on medicinal products (e.g. small molecules), plant protection agents, lubricants and chemical processes. Derk provides counselling on patent portfolio strategies and portfolio management across a wide range of IP-related matters including validity, infringement and nullity proceedings, supplementary protection certificates, due diligence and freedom-to-operate. He drafts patent applications and oversees patent prosecution worldwide. He has successfully conducted numerous opposition and appeal proceedings before the EPO, including petition for review proceedings before the Enlarged Board of Appeal. He has been involved in and coordinated national and international nullity and infringement proceedings, particularly in the areas of pharmaceuticals and diagnostics.

"Derk Vos is at home in both organic and inorganic chemistry, counselling pharmaceutical clients as well as industrial lubricant manufacturers. Technically astute and commercially focused, Vos has a long track record of getting the most value out of his patrons' intellectual assets."

- IAM Patent 1000, 2023

"Derk Vos is a master portfolio strategist and international coordinator with in-depth knowledge of chemical processes relating to everything from medicinal products to plant protection agents and lubricants."

- IAM Patent 1000, 2021

CAREER

since 2009	Partner, shareholder and managing director at Maiwald
since 2007	Patent attorney at Maiwald
2004 - 2007	Patent attorney trainee at Maiwald
2000 - 2004	Management consultant at an international strategy consulting company with projects in Germany, the USA and Sweden

EDUCATION

2023	Admitted to practice before the UPC
2007	Admitted to practice as European patent attorney
2007	Admitted to practice as German patent attorney
2004 - 2006	Studied law for patent attorneys at the University of Hagen
1997 - 2000	Doctoral degree in the field of organometallic chemistry from Bielefeld University
1991 - 1997	Studied chemistry at Bielefeld University and the University of Utah

PRACTICE AREAS

- 制药&生物科技
- 有机化学&聚合物
- 无机材料&建材
- 食品&农业
- 专利&实用新型
- 补充保护证书
- 知识产权咨询

SERVICES

- Opposition, appeal and nullity proceedings
- Supplementary protection certificates proceedings
- Freedom-to-operate and validity analysis
- Patent prosecution and portfolio management
- Filing strategies and drafting patent applications
- Patent litigation

RECOGNITIONS

- Recommended in Legal 500 EMEA 2022, 2023, 2024
- Recommended in Legal 500 Deutschland 2021, 2022, 2023, 2024
- Recommended in IAM Patent 1000 "World's Leading Patent Professionals" 2020, 2021, 2022, 2023
- Recommended in Handelsblatt | Best Lawyers "Germany's Best Lawyers" 2020, 2021, 2022, 2023
- Recommended in the Leaders League Rankings Germany 2022 and 2023 in the category Patent Litigation
- Recommended in MIP IP Stars 2021, 2022, 2023
- Recommended in WirtschaftsWoche 2015
- Scholarship from the German Academic Scholarship Foundation
- Scholarship from the German Fund of the Chemical Industry

PUBLICATIONS

- Focus on: Anmeldeverfahren und Anmeldungen "Nicht immer ohne unerwünschte Nebenwirkungen – Einwendungen Dritter im Prüfungsverfahren vor dem Europäischen Patentamt", Legal500.de, 2023
- High priority – Priority Entitlement in the EPO (EBA referrals G 1/22 and G 2/22)", invited lecture at the Basel Intellectual Property Lectures, 2022

- Recent ECJ case law and latest referrals for preliminary rulings on the SPC Regulation, IAM 2022
- Recent amendments to the SPC Regulation, 2020
- Schutzzertifikat widerrufen, 2020
- Plausibility – A new Criterion for patentability?, invited lecture at Basel Intellectual Property Lectures, 2019
- The pitfalls of Article 123(2) EPC – Recent Case Law of the Boards of Appeal, invited lecture at Basel Intellectual Property Lectures, 2012
- High barrier set for revocation of injunctions, 2012
- The EPO's approach to disclaimers, Managing Intellectual Property – Europe IP Focus 2010
- Towards a new novelty definition for chemical structures, Managing Intellectual Property, 2009
- ECJ to rule on SPC dates, Managing Intellectual Property, 2008
- EBA rules on validity of divisional applications, Managing Intellectual Property, 2007

IMPORTANT CASES

- Representation of a generic company in nullity proceedings regarding a supplementary protection certificate for a combination product (combination sitagliptin / metformin, Janumet®, see also German Federal Patent Court Decision 3 Ni 2/20)
- Representation in validity proceeding (EPO, German Federal Patent Court and Supreme Court) and infringement proceedings for medical devices with parallel validity and infringement proceedings in the US and China.
- Representation of various generic companies in infringement proceedings and nullity proceedings regarding a supplementary protection certificate (SPC) for a cholesterol-lowering combination (combination ezetimibe / simvastatin, Inegy®, see i.a. German Federal Patent Court 3 Ni 4/19 or OLG Düsseldorf I-2 U 58/18)
- Representation of a generic company in infringement proceedings and nullity proceedings for a supplementary protection certificate (SPC) regarding several combination drugs for HIV treatment (see i.a. BGH X ZR 172/18 – Truvada)
- Defending patent portfolio in opposition and appeal proceedings before the EPO (incl. petition for review proceedings before the Enlarged Board of Appeal) as well as several infringement and preliminary injunction proceedings in relation to the painkiller Oxygesic®

MEMBERSHIPS

- German Patent Attorney Association
- epi
- GDCh

LANGUAGES

- German
- English