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## Dr. Marco Stief

**Partner**

**Attorney-at-Law**

**LL.M. University of Chicago**

**Head of Legal Department**

Marco is a highly experienced lawyer, skilled in handling national and international patent infringement cases, border seizure proceedings and conflicts arising from technology-related contracts. He advises companies in the areas of technical IP rights, technology transfers and also on a wide variety of contractual matters. He acts in an advisory capacity on questions relating to design rights, competition law, employee inventions and trade secrets. Marco has headed Maiwald's legal department since 2017. He lectures in intellectual property rights at the University of Dresden and is associate lecturer in patent and international contract law at the University of Marburg.

## REFERENCES

"Marco Stief earns extensive endorsements as a leading figure in the market with broad knowledge of the life sciences industry and regulatory environment."

- [Who's who Legal IP, 2024](#)

"Marco Stief is an expert in intellectual property law and is commended by peers for his strategic patent litigation in the life sciences sector."

- [Who's who Legal IP, 2024](#)

Further references can be viewed on the profile.

## CAREER

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since 2017	Partner, shareholder and managing director at Maiwald
since 2013	Attorney-at-law at Maiwald
2009 - 2013	Director Legal at Fresenius SE & Co. KGaA
2001 - 2009	Attorney-at-law in the „Magic Circle“ law firms Freshfields, Clifford Chance and Baker & McKenzie

## EDUCATION

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2019	Doctoral degree (Dr iur.) from the University of Basel
2001	Admitted to the bar
2000 - 2001	Master's degree in law (LL.M.) from the University of Chicago
1998 - 2000	Trainee lawyer in Mannheim, Singapore and Chicago
1993 - 1998	Studied law at the University of Bayreuth and the Eberhard Karls University Tübingen

## PRACTICE AREAS

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- Patents & Utility Models
- Employee Invention Law
- Supplementary Protection Certificates
- Agreements
- Competition & Antitrust Law
- Pharmaceutical Law

## SERVICES

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- Patent Litigation
- Drafting and negotiating IP and technology transfer agreements
- Advice on German employee invention law
- Pharmaceutical law

## RECOGNITIONS

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- Listed in the WirtschaftsWoche "Die renommiertesten Patentrechtsanwälte" 2020, 2021, 2022, 2024
- Listed as "Thought Leader IP" and "Recommended" in Who's who Legal IP, 2024
- Listed in IAM Strategy 300 as one of the world's leading IP strategists 2021, 2022, 2023, 2024
- Listed as "Excellent" in the Patent Litigation category and as "Highly recommended" in the Healthcare & Pharmaceuticals category in the Leaders League Rankings Germany 2024
- Recommended in Handelsblatt | Best Lawyers "Germany's Best Lawyers" 2019, 2020, 2021, 2022, 2023, 2024
- Listed in Handelsblatt as lawyer of the year in the category healthcare law 2021, 2024
- Recommended in MIP IP Stars 2017, 2021, 2022, 2023, 2024
- Recommended in Legal 500 EMEA 2019, 2020, 2021, 2022, 2023, 2024
- Recommended in Legal 500 Deutschland 2017, 2019, 2020, 2021, 2022, 2023, 2024
- Listed in IAM Strategy 300 Global Leaders 2021, 2022, 2023, 2024
- World IP Review: Patent Leader Germany 2022, 2023
- For many years listed in IAM Patent 1000 „The World's Leading Patent Professionals“
- Named in Who's Who Legal 2019 and 2020 as one of the six most highly regarded German patent litigators, recognized by Who's Who Legal as Thought Leader (Germany) in Patent Law (2021), Global Leader IP-Patents (2021), Life Sciences Patent Litigation (2022), National Leader Germany-Patents (2022, 2023), Thought Leader Germany-Patents (2022), Global Leader IP-Patents (2022), Listed as One of the world's leading practitioners in the Who's Who Legal: IP 2023 report, recommended in the "Germany" and "Life Science" ranking (2024)

- Listed as Leading Lawyer in Patent Litigation in the JUVE Patent Rankings Germany 2022, 2023
- Recommended in the Leaders League Rankings Germany 2022 and 2023 in the category Patent Litigation
- Scholar of the German Academic Exchange Service (DAAD)
- Listed in JUVE Patent as "Advisor in patent litigation" 2020/2021
- Listed as best lawyer in Handelsblatt 2021 in the categories Biotechnology Law, Healthcare Law and Pharmaceutical Law
- Named in JUVE Top 8 German patent litigators under 50 2019/2020/2021
- Listed in WirtschaftsWoche "Die besten Anwälte für Patentrecht und Urheberrecht" 2019
- Recommended in Expert Guides - Life Sciences for IP and Regulatory 2019, 2021
- Named in JUVE Top 12 German patent litigators under 50 2018/2019
- Named in Chambers Europe 2018
- Winner of the "Client Choice Award 2015/2016 for Patent Law"
- Listed in „WiWo Top-Kanzleien“ als Top Attorney for Patentlaw in 2018 & 2021
- Recommended in WirtschaftsWoche 2015
- For many years listed in IAM Strategy 300 „World's Leading IP Strategists“
- For many years "frequently recommended lawyer" in the JUVE Handbook of Commercial Law Firms
- Scholar of the German Bundestag
- Fulbright Scholar
- Rotary International Foundation (Ambassadorial Scholarship Scholar)

## PUBLICATIONS

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- Klinische Studien als neuheitsschädliche Vorbenutzung im Sinne von § 3 PatG, PharmR 8/2024 (German only)
- Die Marktexklusivität als absolutes Recht (Teil II), GRUR 16/2024
- Wündisch/Zirkel, F&E-Verträge, Handbuch für Wissenschaft und Praxis, 2024 (German only)  
Chapter on the Unified Patent Court and Unitary Patent and on the special features of research and development in the pharmaceutical and life sciences sector
- Impact of the Unitary Patent and the Unified Patent Court on Patent Owners, Licensees and Technology Firms and Recommendations, Zhichanli, 2024 (Chinese only)
- Die Marktexklusivität als absolutes Recht (Teil I), GRUR 11/2024
- Wettbewerbsrecht im Kontext von Technologietransfer- und Lizenzverträgen, PharmR 4/2024
- Not without my consent - Zu den Grenzen des SPC squatting, GRUR 6/2024
- Unitary Patent and Unified Patent Court - the new europe-wide patent and court system, Zhichanli, 2024 (Chinese only)
- § 945 ZPO - Ausweitung der Haftung der Originatoren bei später widerrufenem Patent?, GRUR 4/2024 (Stief/Meyer)
- Wettbewerbsrecht im Kontext von F&E- und Linzenzverträgen, PharmR 3/2024
- Rechtshandbuch Chemie-, Pharma- und Life-Science-Patente, C.H. Beck - 2023
- (No) injunctive relief before the actual grant of a patent, GRUR 23/2023
- Does current legislation provide for adequate compensation in cases of unjustified preliminary injunctions? Originator-generic conflicts in the context of patent infringement proceedings, Journal of Intellectual Property Law & Practice, 12/2023 (Stief/Geller)
- The springboard doctrine in the context of patent law - part one, Managing IP 2023
- The springboard doctrine in the context of patent law - part two, Managing IP 2023
- European Unitary Patent Package: Introduction to the New System including Strategic Considerations, (September 2023) 133 Intellectual Property Forum 40
- European Commission proposes transferable data exclusivity vouchers to tackle the antimicrobial resistance crisis, Managing IP 2023
- Unitary Patent and Unified Patent Court (2) - Implications and recommendations for patent owners, licensees and technology companies, AIPPI, 2023 (Japanese only)
- Unitary Patent and Unified Patent Court (1) - Implications and recommendations for patent owners, licensees and technology companies, AIPPI, 2023 (Japanes only)

- Ersatzansprüche bei ungerechtfertigten einstweiligen Verfügungen im Pharmabereich – Ansprüche des Antragsgegners und geschädigter Dritter, GRUR 13/2023
- Quo vadis Arzneimittelrecht – ein Überblick zur Überarbeitung der EU-Arzneimittelvorschriften, PharmR 6/2023
- Der texanische “Two-Step“- Umstrittene juristische Strategie zur Begrenzung der Unternehmenshaftung, Arzneimittel & Recht 2/23
- EuGH: Plattformbetreiber haften für Markenrechtsverletzungen durch Drittanbieter – der Fall Louboutin/Amazon, BetriebsBerater 12/2023
- Der patentrechtliche Verhältnismäßigkeitsgrundsatz im Bereich Arzneimittel und Medizinprodukte, Teil 2, PharmR 3/2023
- Pharmaceutical, Biological and Chemical Patents, C.H.BECK – 2023
- Louboutin v Amazon: direct liability of online platforms for third-party trademark infringement, MIP 2023
- Die Einführung eines neuen Patentsystems in Europa, Betriebs-Berater 2023, Heft 09
- No-challenge and pay-for-delay agreements in patent licence and settlement agreements under European competition law, Journal of Intellectual Property Law & Practice, Vol. 18/2, 02/2023, S.135-145
- Der patentrechtliche Verhältnismäßigkeitsgrundsatz im Bereich Arzneimittel und Medizinprodukte, Teil 1, PharmR 2/2023
- Europe’s new Unitary Patent System will affect IP Agreements, Law360 2023
- Die Reform der Gruppenfreistellungsverordnungen – FuE- und Spezialisierungs-GVO 2023, Wirtschaft und Wettbewerb 01/2023
- IP as a means of securing a loan under German law, Managing IP 2023
- Interview IAM Strategy 300 Global Leaders, 2023
- Einheitspatent und einheitliches Patentgericht – Konsequenzen für Schutzrechte und Technologieverträge, PharmR 12/2022
- Article No challenge clauses Pay-for-delay agreements, A.I.P.P.I. Japanese Journal Vo.67 No. 3 p.31 2022 (Japanese only)
- Proportionality defence v compulsory licence: the decision of the Düsseldorf court, Managing IP 2022
- IP Due Diligence und Pharma, |transkript 4-2022 im November – Spezial: “Patente / M&A / Lizenzierung”
- Preisanpassungsklauseln bei Verträgen zwischen Unternehmen, Betriebs-Berater 43/2022
- Einheitspatent und einheitliches Patentgericht – Vorstellung des neuen europaweiten Patent- und Gerichtssystems, PharmaR 10/2022
- Ergänzende Schutzzertifikate – Überblick und Ausblick zur EU-Initiative, Arzneimittel & Recht, 2022
- Originator vs Generika – Pharmapatente im Spannungsfeld des einstweiligen Verfügungsverfahrens, PharmR Heft 6/2022, Heft 8/2022
- Regulatorische und haftungsrechtliche Herausforderungen für KI-Medizinprodukte, in Roman Grinblat/ Sibylle Scholtz/ Sophy Stock (Hrsg.) Festschrift für Ulrich M. Gassner, Medizinprodukterecht im Wandel (S. 467 ff.), Nomos, 2022
- Do the experimental use and bolar exemptions also apply in contributory patent infringement cases? Journal of Intellectual Property Law and Practice, 2022
- EU-Initiative zu Zwangslizenzen – Chance oder Wettbewerbsnachteil? Arzneimittel & Recht, 2022
- Haftungsbegrenzungen und Freistellungsvereinbarungen insbesondere in Technologie- und Unternehmenskaufverträgen (M&A), Lizenz- und F&E-Verträgen, 2022
- Vertragliche IP Garantien in Pharmaverträgen, insbesondere M&A, Lizenz und F&E Verträge, 2022
- Vertragshandbuch Pharma und Life Sciences, C.H.BECK, 2., erw. Auflage – 2021 (gemeinsam hrsg. mit Boris Bromm)
- Admissibility of non-challenge clauses and pay-for-delay agreements in settlements and license, 2021
- What is Horizon Europe about? (2021)
- Patent(e) Sicherheit in unsicheren Zeiten, 2021
- The launch of Horizon Europe: The EU initiative for research and innovation, 2021
- Connected Cars, SEP and Frand-Cjeu Referral With a Focus on Multi-Tier Supply Chains, 2021
- CJEU SANTEN: No More SPC protection for new indications and new galenic formulations? (2021)
- Das Ende von SPCs für neue Indikationen? (2020)
- Lieferengpässe in der Arzneimittelindustrie – Ursache, Gründe und Lösungsansätze am Beispiel des

Corona Virus (Teil 2), 2020

- Lieferengpässe in der Arzneimittelindustrie – Ursache, Gründe und Lösungsansätze am Beispiel des Corona Virus (Teil 1), 2020
- Handbuch des Patentrechts, 2. Auflage, 2020
- Rechtliche Probleme des ergänzenden Schutzzertifikats für Arzneimittel, 2020
- Pregabalin and Fulvestrant – a comparison of German and English liability regimes for Swiss-type claims in light of current case law, 2019
- New Liability for Second Medical Use, 2019
- Pharmaceutical, Biological and Chemical Patents, C.H.BECK, 2019 (gemeinsam hrsg. mit Maximilian Haedicke und Dirk Bühler)
- Vertragshandbuch Pharma und Life Sciences, C.H.BECK, 2. Auflage, 2019 (gemeinsam hrsg. mit Boris Bromm)
- Process patents and the partial outsourcing of individual procedural steps into patent-free foreign countries – opportunity or risk? (2018)
- Designrechtler, 2017
- Recent developments in German jurisprudence following ECJ “Huawei Technologies / ZTE“, 2017
- Supplementary Protection Certificates (SPC), C.H.BECK, Stief/Bühler (published together), 2016
- CJEU requirements in FRAND cases, 2016
- BGH “Filmscanner” judgment reviewed, 2016
- Safe harbors in Europe: an update on the research and Bolar exemptions to patent infringement, 2015
- Revised TTBER and Guidelines, 2015
- Patent Law – A Handbook on European and German Patent Law, 2014
- Questions submitted on scope of Bolar provision, 2014
- Handbuch des Patentrechts, Haedicke/Timmann (Hrsg.), C.H.BECK, 2012 (together with Johannes W. Bukow et al.)
- Neurim and SPCs: Justice for indication inventions, 2012
- Praktische Erfahrung mit der Grenzbeschlagnahme nach VO (EG) Nr. 1383/2003, in: Festschrift für Ulf Doepner, Reese/Hufnagel/Lensing-Kramer (Hrsg.), C.H.BECK, 2008 (gemeinsam mit Peter Chrocziel)
- JUVE Handbook 2022/2023: Co-publishing article on the topic of “Die Äquivalenz in der Patentverletzung: Neue Rechtsprechung”

## MEMBERSHIPS

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- Bar Association
- GRUR
- DAV
- DAJV
- VPP
- LES
- Founding Member IPDR

## LANGUAGES

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- German
- English