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Role of the patent license departments for organizational legal tracking of pharmaceutical development

Objective: analysis of maintenance of activity of the patent license department for organizational legal tracking of pharmaceutical development.

Methods: legal aspects of protection of intellectual property objects in pharmaceutical area have been considered, the sources of patent law have been analysed in Ukraine.

Results: it was established that basis of success introduction of fundamental researches results of drug in an industrial production is the established organizational legal mechanism. Elements of organizational legal mechanism are a legislation and organizational structures, which providing procedures of transfer of technologies. Information about pharmaceutical development can be updated to support new knowledge gained over the lifecycle of a drug. Patent tracking is carried out after marketing application of drug too.

Basis of effective transfer of technologies is organization of the patent license departments in scientific institutes – developers of drugs. The indicated department heads the patent license activity of institute and promotes high-efficiency innovative work and creation of competitive pharmaceutical development. The specialists of this department carry out monitoring of pharmaceutical industry and activity of other scientific technical and industrial organizations. It was selected the followings basic functions of the indicated departments: carrying out of patent researches at all of the stages of research and advanced development, exposure of objects of industrial property, which are subject a legal protection or maintenance as know-how, including abroad, preparation of materials on the receipt of protection documents on the objects of industrial property and conduct of office work, signing of license contracts and agreements about a transfer right, control of their implementation. The personnel of

patent license department systematic monitors a legislative base in industry of intellectual property and studies experience of other institutes in relation to this activity, carries out an account and accounting of invention and rationalization according with a current legislation. In addition, the patent license department promotes increasing of level of knowledge of workers of institutes about questions of intellectual property, takes measures for increasing motivation of authors of developments. In accordance with a current legislation an employer (institute) and an employee jointly belong the right of the objects of intellectual property, which created in connection with implementation of professional duties, if other is not stipulated in an agreement with a inventor. Employee's invention means an invention (utility model) that have been created by an employee: in connection with performance of professional duties or an instruction of an employer, unless otherwise stated in the labor agreement (contract); with the use of experience, production knowledge, production secrets and equipment of an employer. "Professional duties" mean functional duties of an employee fixed in labor agreements (contracts) and duty regulations providing a fulfillment of works that may result in the creation of an invention (utility model). The patent license departments carry out legal assignment of rights on employee's inventions with the purpose of prevention of disagreements between an employer and an employee. With the purpose of realization of policy of scientific institute in the field of commercialization of creative achievements the patent license departments also conducts systematic work on prevention of losses commercially of meaningful secrets and premature opening of inventions. It was established necessity including of articles about confidentiality at intellectual property agreement for providing of confidentiality of patentable and commercially meaningful information. These articles are connected with employee's inventions, license contracts, and also conclusion of the special agreements about confidentiality with potential licensees.

Conclusions: the patent license departments provide methodical, organizational, legal and informative tracking of pharmaceutical development in the process of transfer of technologies in behalf of scientific organizations and authors.