

This LL.M thesis is a response to the recent decisions of the German Federal Court of Justice on the patentability requirements of selection inventions, namely the Olanzapine and Escitalopram decisions. The thesis provides an overview on the technology and patenting practice, followed by the discussion of jurisprudence on the patentability requirements for selection inventions in major jurisdictions. In particular, the paper examines the novelty and the non-obviousness requirements. As the discussion on the anticipation and obviousness is more contentious in selection inventions, it discusses the issues in view of the two decisions. Post-grant impact of selection inventions and their meanings to the system of patent are explored and some comparative perspectives on selection inventions are discussed. In conclusion, by exploring the significance of granting patents on selection invention to the working of patent system, the paper provides a useful analysis in understanding patentability requirements thereof, beyond the pharmaceutical industry sector. LL.M Thesis. (Series: Munich Intellectual Property Law Center - MIPLC - Vol. 12)

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