

BOOK REVIEW

Introduction to the Unitary Patent and the Unified Patent Court- The (Draft) Rules of Procedure of the Unified Patent Court, Callens Pieter and Granata Sam (Kluwer Law International, 2400 AH Alphen aan den Rijn, The Netherlands), February 2013, hardcover, 320 pages, price USD \$169.00, ISBN: 9789041147578.

The book, *Introduction to the Unitary Patent and the Unified Patent Court- The (Draft) Rules of Procedure of the Unified Patent Court*, is about the long-awaited European Unitary Patent and Unified Patent Court likely to come into effect by Spring 2014. The book written by two IPR experts involved in the development of the unitary patent system describes in detail all the provisions regarding the new patent and the new court, explaining their rationales and the processes that led to them. Besides describing the new system, an overview of the history of the patent reform in Europe and a complicated political decision-making process which lead to the final adoption of the patent package is also given.

The European patent system which is in existence since 1970s has some disadvantages: After approval, the patent proprietor gets only a bundle of national patents. To have effect in some or all of the 38 European member countries, the patent proprietor has to validate the European patent in different countries, which means patent proprietor has to pay the renewal fees of the countries where patent protection is wanted, and if required, translate the patent into official language(s) of the countries concerned. Thus obtaining a patent protection for an invention in a large number of EU countries is very expensive.

The new system has the advantage. As soon as the two European Regulations regarding unitary patent protection come into effect, unitary patent proprietor shall have to pay only one renewal fee and translate the text of the patent into one additional language (other than the language of the EPO procedure) for his invention to be protected in 25 EU Member States.

Another disadvantage of the current system is parallel litigation. This problem will also be solved with the establishment of Unified Patent Court.

The book divided into two parts, gives an overview of all the rules regarding the Unitary Patent and the Agreement on a Unified Patent Court in the first part. The second part of the book describes the draft Rules of Procedure of the Unified Patent Court, with flowcharts for better understanding. Compared to the Regulations and the Agreement, the Rules of Procedure are not yet final since they have to be adopted by the (Administrative Committee of the) Court itself.

The book is a must read and useful for entrepreneurs, tech transfer officers, engineers, company lawyers, public servants and patent practitioners interested in the new system.

Identity, Invention, and the Culture of Personalized Medicine Patenting, Ghosh Shubha (Cambridge University Press, UPH, Shaftesbury Road, Cambridge, CB2 8BS, United Kingdom), September 2012, hardback, 216 pages, price CAD \$103.00, ISBN: 9781107011915.

The book, *Identity, Invention, and the Culture of Personalized Medicine Patenting*, provides an overview of developments in personalized medicine patenting and suggests policies to best regulate such patents.

The book has six chapters in total. The first chapter covers examples of tension between persons and patents and attempts by legal decision makers—agencies, courts and legislatures—to resolve the tension. The second chapter examines the processes of R&D and commercialization that have blurred the boundaries between patentable inventions and persons. There are two types of inventions which feed the market for personalized medicine: the first type (Myriad patents for treatment of special form of breast cancer gene) consists of diagnostics and treatment of diseases and the second type

(Nitromed patent for treatment of hypertension in black patients) consists of diagnostics and treatments that are targeted at particular demographics. Both types of inventions commonly share R&D pertaining to human persons. Though both the cases illustrate different types of inventions but together they show how to shape patentable policy to guide incentives for commercialization of inventions that include human beings.

Chapter three analyses in detail patents relating to personalized medicine as well as related patents touching on culture, religion, and other aspects of the person. This chapter further describes how patents and persons intersect in practice through business and legal decision making and the patents granted by USPTO. The fourth and fifth chapters assess these

practices and patents through various approaches. How ideas/opinion of the person can be accommodated within the patent law and policy are demonstrated in these chapters. The last and the concluding chapter integrates various strands of argument into a theory of personhood and patents that illustrate how the instrument of law can be designed to treat persons as ends and not means. The case of *Mayo v Prometheus* dealing with a patent for method of personalized treatment of Crohn's disease, discusses how different parts of the work come together to show how patents and law can function with persons in mind.

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