Life Sciences

As the legal matters confronting our life science clients are varied, so are the skill sets we employ. DLA Piper's life sciences team comprises lawyers with legal, scientific and medical knowledge who understand the complexity of the business and regulatory environments in which our clients operate.

The challenges facing today's biotechnology and medical device companies are greater than ever. For companies to take promising therapies from the laboratory to the market, they must protect those therapies from IP, regulatory and reputational risks. Furthermore, the last few years have seen increasing pressure from many sides: demand for greater shareholder return, loss of key revenue streams due to patent expiration or generic challenges, fierce competition in key therapeutic areas, pricing pressures from health care payors, increased government regulation beyond core safety issues, rising costs of R&D, challenges in maximizing return in emerging markets and aggressive government enforcement action.

Our life sciences sector team is one of the largest and most active of any law firm. Operating as one team across more than 30 jurisdictions, we combine subject matter experience with considerable knowledge of the sector, including the scientific, medical, regulatory, commercial and enforcement environments facing our biopharmaceutical, medical device, research and diagnostics clients.

DLA Piper's team includes award-winning lawyers practicing litigation, compliance and investigations, IP strategy and enforcement, M&A, licensing and distribution and clinical trial advice. They also support clients across all other areas needed to address risk, including government affairs, environmental law, import/export, tax, real estate and employment law. Many of our lawyers are former sector professionals, many have PhDs or other advanced degrees in the life sciences field and others are former government officials or prosecutors.

Recognizing that our clients' needs vary, we rapidly organize and customize our client service teams, whether for a large pharmaceutical company, a mid-sized medical device client or a development-stage biotech company. These teams are supported by international and local practitioners to efficiently meet the demands of the matter.

Our cutting-edge staffing, budgeting and billing systems, created specifically to assist our global life science clients, ensure that our teams deliver value in addition to great results.

Our life sciences team helps clients solve their biggest challenges every day. Examples of our experience include:

- Conducting a sensitive investigation in China
- Negotiating a complex multi-country distribution deal in Latin America
- Acting as National Counsel on a mass tort in the US

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- Antitrust and Competition
- Corporate
- Employment
- Intellectual Property and Technology
- International Tax Counsel
- Litigation, Arbitration and Investigations
- Real Estate
- Tax
- Corporate Disputes

- Helping sell or acquire a major business asset
- Advising on implementation of transparency laws or the impact of other new legislation
- Devising a risk mitigation plan for a key product
- Negotiating a large vaccine contract with a global NGO
- Counselling on a multi-jurisdictional clinical trial
- Advising on the downsizing of employees in Europe
- Supporting global business conduct and compliance functions
- Outsourcing critical R&D or IT functions
- Devising an IP strategy for a promising new therapy
- Negotiating a worldwide licensing and collaboration deal
- Protecting a blockbuster drug in patent litigation

INSIGHTS

Publications

Global M&A Intelligence Report 2022

3 May 2022
Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in almost 5,000 private M&A transactions on which we have advised since 2015.

Israel Group News April 2022

28 April 2022
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022
GLOBAL SANCTIONS ALERT

And additional measures are expected to be announced by the US and its allies in the coming days

Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking, and with fines of up to 10% of global turnover, it is a big risk to take.

New US sanctions in response to Russia's actions against Ukraine

23 February 2022
GLOBAL SANCTIONS ALERT

Additional sanctions are expected that will target Russia's financial, technology, and defense sectors.

Israel Group News January 2022

24 January 2022

ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

A legal overview

4 January 2022

UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST

In episode 2 of our podcast series we discuss the legal context of the regime: how it will operate and the implications for businesses. In particular, the legislation - which comes into force today, 4 January - has wide reaching implications for M&A involving businesses or assets connected with the UK.

Supporting the health of your health system: 2022

3 January 2022

Helping you tend to healthcare system wellness throughout the business life cycle.

Global COVID-19 Vaccine Guide for Employers

22 December 2021

Updated on 21 January 2022

As the scientific response to the COVID-19 pandemic develops, many employers are considering what their approach should be to the issues around vaccination for their workforce, with a view to accelerating a return to some kind of normality. This is an area where law, guidance and best practice is likely to develop rapidly and there is no one-size-fits-all solution, particularly for multinational employers. The risks, challenges and benefits will vary depending on the profile of the workforce and nature and location of the business.

In our newly launched global guide we set out some of the key considerations with regard to requiring or encouraging employees to be vaccinated and highlight some of the differences in risk around the world. These are complex and evolving issues and the situation should be kept under review as vaccine programmes become more widely available, economies and borders begin to open up again and more people return to the workplace.

European Commission's Proposals for reform of AIFMD, UCITS Directive and the ELTIF regime

26 November 2021

Following its review of the scope and functioning of the Alternative Investment Funds Manager Directive[1] (AIFMD), the European Commission (the Commission) has concluded that the AIFMD's standards for ensuring high levels of investor protection are mostly effective, but that amendments are required which are intended to be targeted in scope, but may have far-reaching effects.

The Commission has now published new legislative amendments to AIFMD, the UCITS Directive[2] (UCITSD) and the ELTIF Regulation[3] (ELTIF Regulation) (the Commission Proposal). The proposed amendments set out in the Commission Proposal will be introduced by way of an omnibus directive amending the AIFMD, UCITSD and the ELTIF Regulation.[4]

The Glasgow Climate Pact: What does it mean for Business?

23 November 2021
In this article, members of our Sustainability and ESG Steering Committee share their thoughts on eight key themes emerging from COP26 and what they mean for business.

Israel Group News October 2021

25 October 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

Can an AI system be named the inventor? In wake of EDVA decision, questions remain

23 September 2021
AI OUTLOOK

Artificial intelligence is notable among the new technologies posing fundamental questions about the viability of the inventor's oath.

The Pharmaceutical Corner

September 2021
Teva v. Amicus is the first lawsuit to test the reach of the CREATES Act. Expect more.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

Israel Group News August 2021

16 August 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

The state of HealthTech and future opportunities

03 August 2021
TECHLAW PODCAST

Podcast 41 of our TechLaw podcast series sees David Bell, Director at Hampleton Partners, leading M&A and corporate finance consultancy for companies with technology at their core, and DLA Piper Partner, Mark O'Conor, engage in an exciting conversation on the current innovations in HealthTech, as well as a futuristic outlook on the industry. Key highlights include the benefits of software as a medical device, macro factors influencing innovation and investment opportunities. Join David and Mark at our fifth European Technology Summit on the 5th October 2021 where they will be resuming this conversation. Register at our fifth European Technology Summit on the 5th October 2021.

DLA Piper TechLaw Podcast Series · The state of HealthTech and future opportunities

Patent eligibility of diagnostic methods in Australia confirmed: *Ariosa Diagnostics, Inc v Sequenom, Inc* [2021] FCAFC 101

29 June 2021
For many years, the following question awaited judicial determination under Australian law: is a DNA-based diagnostic method patent eligible subject matter? The Full Court of the Federal Court of Australia has confirmed that diagnostic methods involving the practical application of "natural phenomena" can be patentable inventions in Australia.

The Pharmaceutical Corner

June 2021
We look at the underlying decision in *Immunex v. Sandoz* and the potential implications on pharma patent licensing strategies.

Global M&A Intelligence Report 2021

23 June 2021
Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

Multi-jurisdiction guide for screening foreign investments

26 May 2021
The aim of this guide is not to substitute proper due diligence and specialized advice when conducting business, it will hopefully help the reader navigate the different FDI regimes. Particularly in this complex context and in view of the proliferation of new regimes, by explaining the key aspects of regimes including main issues to consider, thresholds and proceedings to take into consideration when investing in our globalized world.

New medical device regulations in China likely to lead to increased regulatory enforcement

3 May 2021
The Chinese State Council has passed the eagerly anticipated revisions to the PRC's Regulations for Supervision and Administration of Medical Devices, which will come into effect on 1 June 2021. The Regulations will significantly increase the range and size of penalties that may be imposed for regulatory violations.

Israel Group News May 2021

1 May 2021

ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Penalizing Resale Price Maintenance in China’s Pharmaceutical Industry

30 April 2021

The State Administration of Market Regulation (SAMR) fined Yangtze River Pharmaceutical Group RMB764 million for engaging in resale price maintenance (RPM) in violation of China's Anti-Monopoly Law (AML). This reflects the SAMR's renewed prioritization of RPM enforcement and underscores the challenges to defending RPM practices under the AML.

The Pharmaceutical Corner

30 March 2021

The opinion may render functional claiming more difficult, but functional claims that follow its guidance may still have an important role to play in pharmaceutical patents.

Understanding the USPTO guidance on patenting AI technologies

30 March 2021

The USPTO guidance opens the door for applicants to obtain patent protection for their AI technologies.

United States imposes significant new export controls and sanctions on Russia and China

23 March 2021

Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing

26 January 2021

US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

Israel Group News January 2021

19 January 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Boardroom Brexit: What the deal means for trade in goods

31 December 2020
BOARDROOM BREXIT

What will the Trade and Cooperation Agreement mean for tariffs and quotas, rules of origin, technical barriers to trade, customs and product standards

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Boardroom Brexit: What the deal means for trade in services

31 December 2020
BOARDROOM BREXIT

The TCA has substantial sectoral coverage, including professional and business services (e.g. legal, auditing, architectural services), delivery and telecommunication services, computer-related and digital services, financial services, research and development services, most transport services and environmental services.

The Pharmaceutical Corner

22 December 2020
A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

Telehealth around the world: A global guide

19 November 2020

This Global Guide provides an overview of the current state of telehealth regulations worldwide and assists readers to identify the opportunities, challenges and risks, on a country-by-country basis.

Coronavirus: Directors' duties and making decisions in a crisis

2 November 2020
Directors need to carefully consider how to address the risks of the ongoing COVID-19 pandemic within their business, given its impact on the global economy. As many companies are continuing to face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

China signs off on PRC Biosecurity Law: What this means for industry players in China

21 October 2020
The Biosecurity Law establishes a comprehensive framework replacing the current somewhat piecemeal legislation.

China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas

16 October 2020
With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

Hong Kong Employment Law Update

16 October 2020
In this article, our Hong Kong Employment team provides an update on the Government's efforts to enforce clawback and penalties in respect of the first tranche of the Employment Support Scheme and statutory maternity leave increasing to 14 weeks from 11 December 2020.

COVID-19 – Galvanising your business against supply chain and customer insolvency risk

7 October 2020
The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

Israel Group News October 2020

7 October 2020
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Mass layoffs and collective redundancies guide

6 October 2020
As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

Recent Breakthroughs for Foreign Arbitration Institutions in China

5 October 2020
On 7 September 2020, the State Council has further published the "Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors" further allowing foreign arbitration institutions to provide arbitration services in Beijing.

Coronavirus Resource Center: Our global repository of insights and events

30 September 2020

A central repository for our reports and commentary on the legal and regulatory concerns arising from the pandemic.

New CFIUS regulations change mandatory filing requirements and increase the importance of US export controls

30 September 2020
The new rule modifies the criteria that trigger a mandatory filing with CFIUS, potentially subjecting more transactions to mandatory CFIUS review.

Philadelphia grows privacy capabilities with a new arrival

30 September 2020
Ronald Plesco, an internationally known information security and privacy lawyer, has joined our Philadelphia office.

The Pharmaceutical Corner

30 September 2020
In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

China lifts further travel restrictions for certain foreigners

28 September 2020
Effective from 28 September 2020, China will allow foreign nationals holding three categories of valid Chinese residence permits (work, personal matters, and reunion) to enter China with no need for applying for new visas. This is a further lifting of travel restrictions for foreigners who have the need to return to China.

Digital Therapeutics - evolution and entry into mainstream healthcare

18 September 2020
Research undertaken by DLA Piper's Life Sciences sector in conjunction with The Lawyer seeks to understand the current developments in the field of digital therapeutics, looking at key questions that need to be addressed if these products are to become mainstream components of health systems across the world.

Human rights compliance programmes in the Life Sciences sector

10 September 2020
The risk of adverse environmental, social or human rights impacts is one that Life Sciences businesses will be familiar with.

Human rights compliance programmes: Why now?

10 September 2020
Businesses are increasingly required to identify and manage their involvement in adverse environmental and social impacts throughout their organisations and supply chains. Previously, drivers for developing human rights compliance programmes have included reputation risk and compliance with best practice and “soft law” standards.

Can Australia forget about investment from China?

8 September 2020

This article is based on a series of interviews with clients and colleagues based in mainland China, and explores the attitudes of Chinese businesses to overseas investment generally, and into Australia in particular. There was high degree of consistency in responses from clients on their investment plans, and perceived barriers to investment in Australia. The overall picture painted was one of businesses and investors still interested in overseas investment in certain sectors and in certain markets, but who are currently adopting a “wait and see” approach given travel restrictions and a significant level of uncertainty in global markets.

Details of the second tranche of Hong Kong’s Employment Support Scheme released

24 August 2020
On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

Release of exposure draft legislation for major reforms to Australia’s Foreign Investment Framework

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

Vlog series: How to raise equity capital during the Coronavirus pandemic (UK)

4 August 2020
The first half of 2020 has seen an unprecedented volume of activity by companies raising capital through follow-on equity offerings on the London Stock Exchange in response to the Coronavirus pandemic. There have been over 140 equity issues on the London Stock Exchange’s main market or AIM since 20 March 2020 raising more than GBP14 billion.

Hong Kong Government increases statutory entitlement for maternity leave

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

Israel Group News July 2020

8 July 2020
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Clinical trials during the COVID-19 pandemic: A global guide

2 July 2020
The consequences of the COVID-19 pandemic continue to develop dynamically. Some countries are beginning to ease lockdown measures, whilst other retain or even impose new restrictions. The situation continues to impact the ability to conduct clinical trials on a global scale. Pharmaceutical companies need to address even more challenges to ensure the continuity of trials on human medicines.

A go-to firm for defending patent cases

30 June 2020
Recognition from *Law360*

Atlanta expands privacy capabilities

30 June 2020
Lael Bellamy's arrival bolsters our data protection, privacy and security capabilities throughout the firm.

Changes to Hong Kong anti-discrimination legislation

30 June 2020
Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter

30 June 2020
A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

Intellectual property rights are a renewed focus as the world looks beyond a global viral outbreak

30 June 2020
A few key IP-related considerations for companies, whether they are seeking to expand into new markets or looking to preserve their place in an existing market.

Northern California bolsters telecom and regulatory practice

30 June 2020
Regulatory and telecom attorney Kristin Jacobson has joined our Northern California office in Sacramento.

Washington, DC grows technology capabilities with two new arrivals

30 June 2020
Marius Domokos and Justin Ilhwan Park have joined our Washington, DC practice.

First emerging technologies identified and controlled for export in the EAR

26 June 2020
The designation also makes these a "critical technology," giving CFIUS jurisdiction over foreign investments in US businesses that engage with these items.

Therapies for COVID-19: Two major developments

25 June 2020
The developments, one negative and one positive, involve widely available medications.

CFIUS encourages public to provide tips and referrals

24 June 2020
The new webpage encourages tips and referrals about non-notified deals, violations of CFIUS mitigation measures, and other matters that raise national security risk.

Business protection: An Interactive guide

18 June 2020
Global companies are at risk of their data and confidential information being leaked to competitors, especially when key employees leave. Protecting the integrity of new formulations and trade secrets is crucial, particularly for life sciences companies, to holding a competitive advantage and building success.

Australia tightens rules on foreign investment

17 June 2020
In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

Preparing for global class actions arising from COVID-19

28 May 2020
The risk to companies of global and cross-border class action and collective redress proceedings is rising.

Chinese and other emerging market companies listed in the US face increased scrutiny from Congress and Nasdaq

27 May 2020
Within a span of two days, the US Senate, House and Nasdaq each took steps to safeguard investors in the US capital markets.

PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt

7 MAR 2019
This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

Intellectual Property and Technology News (United States), Issue 23, Q3 2014

10 SEP 2014

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

Distributing patent rights between affiliates: guidelines to support enforcement rights around the world

16 NOV 2015

Considering a few issues at the outset when rights are distributed between Parent and Affiliate (or between multiple affiliates) may avoid difficulties in the future when a company wants to enforce patent rights.

EVENTS

Previous

Using AI to monitor your compliance risks

31 March 2022
Webinar

Embracing Digital Evolution

15 September 2021
Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020
Webinar

NEWS

DLA Piper advises Philip Morris International Inc. on USD16 billion recommended cash offer for Swedish Match

12 May 2022
DLA Piper, as International Counsel, is advising Philip Morris Holland Holdings B.V., an Affiliate of Philip Morris International Inc. (PMI), on its USD16 billion recommended public offer to the shareholders of Swedish Match AB (Swedish Match), a public limited company with shares listed on Nasdaq Stockholm.

DLA Piper advises Intermediate Capital Group on the sale of Everlight Radiology

1 September 2021

Global law firm DLA Piper has advised Intermediate Capital Group (ICG) on the sale, to UK-based private equity firm Livingbridge, of Everlight Radiology, a global teleradiology provider that facilitates 'around the clock' urgent and routine teleradiology reporting services to hospitals and healthcare providers in Australia, New Zealand, the UK and Ireland.

DLA Piper advises Hinduja Global Solutions on USD1.2 billion sale of its healthcare business

11 August 2021
DLA Piper is advising Hinduja Global Solutions Limited (HGS) on the sale of its healthcare solutions business to Baring Private Equity Asia, in a transaction valued at USD1.2 billion subject to closing adjustments.

DLA Piper advises HUTCHMED on its Hong Kong IPO

8 July 2021
DLA Piper is advising global biopharmaceutical company HUTCHMED on its Hong Kong public offering. This will be the third listing for the company, following its first on London's AIM exchange and then NASDAQ in the US.

DLA Piper advises Poland’s Copernicus on its sale to Nemera

29 October 2020
DLA Piper has advised Copernicus, regarded as one of the most valued innovative companies in the Polish health sector, and its founders on its sale to Nemera, a world leader in the design, development and manufacturing of drug delivery devices for the pharmaceutical, biotechnology and generics industries.

In New Zealand

Health and the science around health, wellbeing and active ageing, are a vast and burgeoning sector of the world’s economy.

Legal matters confronting this area of business are deeply complex and widely varied. DLA Piper’s international legal team has the scientific, medical and specialised legal knowledge to meet clients’ challenges – in New Zealand and globally.

Our health and life sciences team is one of the largest in the world. It is active across 30 jurisdictions. We understand IP, regulatory, reputational, legal scientific and medical risks.

In New Zealand, healthcare and life sciences are rapidly growing areas. The burden of management, legal, fiscal, legal and regulatory issues that health service providers, life science entities and health professionals face in this country is significant.

DLA Piper New Zealand is highly competent. We act for DHBs, government departments, international pharmaceutical organisations, private healthcare organisations and insurers, including on Accident Compensation, very significant negligence claims and related matters.

DLA Piper New Zealand also routinely advises primary care practitioners, regulatory and professional registration authorities, medical and scientific research organisations and healthcare insurers.

In the medico legal area, we have in-depth experience in high profile and high value medical negligence cases, across numerous medical specialties. DLA Piper New Zealand has a highly respected litigation and insurance practice, adept at dealing with investigations, complaints, disciplinary proceedings and inquiries.

Through DLA Piper, we also have the contacts to provide up to date information on trends and issues in this internationally significant sector, as well as case material relating to it.

We can deploy for small, innovative healthcare and life sciences organisations, right up to global entities, whether it be for IP, licensing, M&A, privacy, outsourcing, anti-trust, competition, investigation, litigation or any other matter.

EXPERIENCE

Medical Protection Society
DLA Piper New Zealand acted for the Medical Protection Society who was the medical practitioner's professional indemnity organisation, for an indemnity defence. The medical practitioner's regulatory authority (the Medical Council of New Zealand) made a referral for investigation by a Professional Conduct Committee, resulting in proceedings before the Health Practitioners Disciplinary Tribunal for professional misconduct involving inappropriate sexual relationship with a former patient, who then committed a criminal offence resulting in committal to a forensic psychiatric institution. Following negotiation with prosecuting counsel, and a two-day hearing before the Tribunal, an acceptable penalty determination issued.

Pfizer New Zealand Limited
DLA Piper New Zealand advised on all aspects of the New Zealand component of the global sale of Pfizer's global paediatric nutrition business to Nestlé, including the areas of corporate, employment and competition. This was one of the largest global M&A transactions of 2012 (equating to US$11.85billion), involving the sale of business units in over 40 jurisdictions world-wide. DLA Piper represented Pfizer in a number of the jurisdictions including Australia, Egypt, Greece, Hong Kong, New Zealand, South Africa and Venezuela.

Pfizer
DLA Piper New Zealand advised on the New Zealand employment law component of the spin-off of Pfizer's Animal Health Unit. This was the biggest IPO since Facebook and globally was worth approximately US$2.2 billion. The Pfizer animal health business was spun off into a stand-alone animal health business - Zoetis. This project involved in the region of 9000 employees globally. We advised Pfizer on the transfer of employees from Pfizer to Zoetis, including complex superannuation advice, consultation advice and advice covering all employment related risk.

Zoetis
Zoetis is the world's largest producer of medicine and vaccinations for pets and livestock. Zoetis is a publicly traded subsidiary of Pfizer, the world's largest drug maker, which retains an 83% controlling interest in the firm. DLA Piper New Zealand provides 100% of Zoetis's employment law support regarding its New Zealand operations.

We have prepared a Guide To Doing Business In New Zealand to help those venturing into the market navigate their way through local legislation to identify and maximise the many opportunities that are available.

Sustainability and ESG

Sustainability and resilience are core business issues in the life sciences sector, given the sector's central role in addressing systemic global challenges including pandemics, access to medicine, and fundamental human rights. Although the specific factors from a sustainability, environmental, social and governance (SESG) perspective in the life science industry differ from those of other industries, creating new and sustainable value in the life science space will depend upon how companies address relevant SESG risks. Boards must actively identify such SESG risks and ensure that they are efficiently mitigated in order for their companies to avoid pitfalls and ensure compliance with evolving regulation around the globe – and also to maintain their competitive position and profitability.

On the basis of our experience in the sector, we believe the following sustainability-related themes to be the core SESG issues that will continue to affect life science businesses:

- **Access and affordability:** Addressing unmet healthcare needs, increasing access to affordable essential medicines and strengthening health systems around the world are all fundamental to social and economic progress. The coronavirus disease 2019 (COVID-19) has further highlighted the importance of the life sciences sector in addressing these challenges. Against this background, international life science business will need to engage in discussions about and develop strategies addressing these issues across the world, particularly with regard to improving the situation in lesser developed countries.
- **Supply chain compliance:** Many governments and regulators around the world are implementing tighter rules on supply chain compliance. To retain their license to operate, life sciences companies must adhere to an evolving set of global laws and regulations. Furthermore, transparency requirements, as well as responsibility and liability for global suppliers are increasing. This ongoing regulatory shift, and the increased likelihood of litigation which goes with it, will have a significant impact on the global life sciences industry. This is because supply chains are often particularly lengthy and complex and influenced by many different internal and external factors that are

hard to monitor and control.

- **Product safety and quality:** Fake or substandard medicines lead to hundreds of thousands of deaths each year. Drug safety, along with protecting health consumers from counterfeit medicines and drug diversion, are integral to ensuring public health and maintaining trust and confidence in the life sciences sector. Consequently, life science companies will need to put increasing focus on ensuring product safety as well as maintaining secure distribution channels to patients.
- **Business ethics:** There is increasing stakeholder attention, including from regulators and policymakers and also from providers of capital, on transparency and ethics in business dealings with healthcare providers and medical practitioners for the sale and use of products, as well as in relation to lobbying and advocacy activities. The way in which businesses respond to these expectations can have a direct impact upon their reputation, their cost of capital and ultimately upon their license to operate.
- **Transparency and access in clinical trials:** Stakeholders increasingly expect transparency in clinical trials and wider access to trial data for scientific exchange and research. There is a bright spotlight on participant safety and privacy. Businesses are demanding more effective information sharing to enable informed decision-making and consent, along with post-trial access to results. Technology and collaborative partnerships with patient and health worker groups enable wider representative demographic populations to participate in clinical trials.
- **Sustainable sourcing, product lifecycles and a circular economy:** Markets demand greater visibility across product lifecycles, businesses make commitments to net-zero decarbonisation and business model innovation is driven by circular economy concepts. Underpinned by an increasingly complex transnational regulatory landscape, these developments are changing the way raw materials are sourced; how products are designed, manufactured, packaged, sold, reused or recycled; how waste and hazardous material is treated; and how wider environmental and social impacts relating to issues like emissions, plastics, water use, biodiversity loss, labour conditions and community impacts are managed.
- **Net-zero decarbonisation and optimisation of processes:** In striving to decarbonise the economy, businesses are implementing commitments to Science Based Targets, increasing energy efficiency and reducing carbon output, decreasing dependency on fossil fuels and increasing the use of renewables. The implementation of these initiatives is creating operational efficiencies, optimising the drug manufacturing, packaging and distribution process and reducing costs across the sector.

To discuss the implications of these issues for your business, please contact our ESG leaders.

DLA PIPER

Life Sciences

As the legal matters confronting our life science clients are varied, so are the skill sets we employ. DLA Piper's life sciences team comprises lawyers with legal, scientific and medical knowledge who understand the complexity of the business and regulatory environments in which our clients operate.

The challenges facing today's biotechnology and medical device companies are greater than ever. For companies to take promising therapies from the laboratory to the market, they must protect those therapies from IP, regulatory and reputational risks. Furthermore, the last few years have seen increasing pressure from many sides: demand for greater shareholder return, loss of key revenue streams due to patent expiration or generic challenges, fierce competition in key therapeutic areas, pricing pressures from health care payors, increased government regulation beyond core safety issues, rising costs of R&D, challenges in maximizing return in emerging markets and aggressive government enforcement action.

Our life sciences sector team is one of the largest and most active of any law firm. Operating as one team across more than 30 jurisdictions, we combine subject matter experience with considerable knowledge of the sector, including the scientific, medical, regulatory, commercial and enforcement environments facing our biopharmaceutical, medical device, research and diagnostics clients.

DLA Piper's team includes award-winning lawyers practicing litigation, compliance and investigations, IP strategy and enforcement, M&A, licensing and distribution and clinical trial advice. They also support clients across all other areas needed to address risk, including government affairs, environmental law, import/export, tax, real estate and employment law. Many of our lawyers are former sector professionals, many have PhDs or other advanced degrees in the life sciences field and others are former government officials or prosecutors.

Recognizing that our clients' needs vary, we rapidly organize and customize our client service teams, whether for a large pharmaceutical company, a mid-sized medical device client or a development-stage biotech company. These teams are supported by international and local practitioners to efficiently meet the demands of the matter.

Our cutting-edge staffing, budgeting and billing systems, created specifically to assist our global life science clients, ensure that our teams deliver value in addition to great results.

Our life sciences team helps clients solve their biggest challenges every day. Examples of our experience include:

- Conducting a sensitive investigation in China
- Negotiating a complex multi-country distribution deal in Latin America
- Acting as National Counsel on a mass tort in the US
- Helping sell or acquire a major business asset
- Advising on implementation of transparency laws or the impact of other new legislation
- Devising a risk mitigation plan for a key product
- Negotiating a large vaccine contract with a global NGO
- Counselling on a multi-jurisdictional clinical trial
- Advising on the downsizing of employees in Europe
- Supporting global business conduct and compliance functions
- Outsourcing critical R&D or IT functions
- Devising an IP strategy for a promising new therapy
- Negotiating a worldwide licensing and collaboration deal
- Protecting a blockbuster drug in patent litigation

INSIGHTS

Publications

Global M&A Intelligence Report 2022

3 May 2022
Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in almost 5,000 private M&A transactions on which we have advised since 2015.

Israel Group News April 2022

28 April 2022
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

US escalates its sanctions regime against Russia, targeting its financial system

28 February 2022

GLOBAL SANCTIONS ALERT

And additional measures are expected to be announced by the US and its allies in the coming days

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Aiscension: an AI tool to ensure effective risk management by detecting anti-competitive practice

24 February 2022

Anti-competitive activity has been rife in companies for centuries and there are many who like to take the ostrich approach and bury their head in the sand. However, it is known that this approach to risk management is ineffective should the regulators come looking, and with fines of up to 10% of global turnover, it is a big risk to take.

New US sanctions in response to Russia's actions against Ukraine

23 February 2022

GLOBAL SANCTIONS ALERT

Additional sanctions are expected that will target Russia's financial, technology, and defense sectors.

Israel Group News January 2022

24 January 2022

ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

A legal overview

4 January 2022

UNDERSTANDING THE UK NATIONAL SECURITY & INVESTMENT REGIME PODCAST

In episode 2 of our podcast series we discuss the legal context of the regime: how it will operate and the implications for businesses. In particular, the legislation - which comes into force today, 4 January - has wide reaching implications for M&A involving businesses or assets connected with the UK.

Supporting the health of your health system: 2022

3 January 2022
Helping you tend to healthcare system wellness throughout the business life cycle.

Global COVID-19 Vaccine Guide for Employers

22 December 2021

Updated on 21 January 2022

As the scientific response to the COVID-19 pandemic develops, many employers are considering what their approach should be to the issues around vaccination for their workforce, with a view to accelerating a return to some kind of normality. This is an area where law, guidance and best practice is likely to develop rapidly and there is no one-size-fits-all solution, particularly for multinational employers. The

risks, challenges and benefits will vary depending on the profile of the workforce and nature and location of the business.

In our newly launched global guide we set out some of the key considerations with regard to requiring or encouraging employees to be vaccinated and highlight some of the differences in risk around the world. These are complex and evolving issues and the situation should be kept under review as vaccine programmes become more widely available, economies and borders begin to open up again and more people return to the workplace.

European Commission's Proposals for reform of AIFMD, UCITS Directive and the ELTIF regime

26 November 2021

Following its review of the scope and functioning of the Alternative Investment Funds Manager Directive[1] (AIFMD), the European Commission (the Commission) has concluded that the AIFMD's standards for ensuring high levels of investor protection are mostly effective, but that amendments are required which are intended to be targeted in scope, but may have far-reaching effects.

The Commission has now published new legislative amendments to AIFMD, the UCITS Directive[2] (UCITSD) and the ELTIF Regulation[3] (ELTIF Regulation) (the Commission Proposal). The proposed amendments set out in the Commission Proposal will be introduced by way of an omnibus directive amending the AIFMD, UCITSD and the ELTIF Regulation.[4]

The Glasgow Climate Pact: What does it mean for Business?

23 November 2021
In this article, members of our Sustainability and ESG Steering Committee share their thoughts on eight key themes emerging from COP26 and what they mean for business.

Israel Group News October 2021

25 October 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

An interview with Aldersgate Funding

11 October 2021

In this podcast, DLA Piper partner Henry Quinlan interviews Jim Holding and Matthew Lo at Aldersgate Funding Limited, who shed some light on the advantages of litigation and arbitration funding; the types of claims eligible for funding; the process of funding a case; and the jurisdictional constraints on this type of financing.

DLA Piper · Aldersgate Funding on how litigation funding can help your business

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Can an AI system be named the inventor? In wake of EDVA decision, questions remain

23 September 2021
AI OUTLOOK

Artificial intelligence is notable among the new technologies posing fundamental questions about the viability of the inventor's oath.

The Pharmaceutical Corner

September 2021
Teva v. Amicus is the first lawsuit to test the reach of the CREATES Act. Expect more.

New workplace sexual harassment laws passed – (some) Respect@Work recommendations become law

8 September 2021

After months of anticipation, the Australian Federal Government's Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021 has now passed both houses of Parliament. The amendment contains important reforms to address workplace sexual harassment.

Israel Group News August 2021

16 August 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

The state of HealthTech and future opportunities

03 August 2021
TECHLAW PODCAST

Podcast 41 of our TechLaw podcast series sees David Bell, Director at Hampleton Partners, leading M&A and corporate finance consultancy for companies with technology at their core, and DLA Piper Partner, Mark O'Conor, engage in an exciting conversation on the current innovations in HealthTech, as well as a futuristic outlook on the industry. Key highlights include the benefits of software as a medical device, macro factors influencing innovation and investment opportunities. Join David and Mark at our fifth European Technology Summit on the 5th October 2021 where they will be resuming this conversation. Register at our fifth European Technology Summit on the 5th October 2021.

DLA Piper TechLaw Podcast Series · The state of HealthTech and future opportunities

Patent eligibility of diagnostic methods in Australia confirmed: *Ariosa Diagnostics, Inc v Sequenom, Inc* [2021] FCAFC 101

29 June 2021
For many years, the following question awaited judicial determination under Australian law: is a DNA-based diagnostic method patent eligible subject matter? The Full Court of the Federal Court of Australia has confirmed that diagnostic methods involving the practical application of "natural phenomena" can be patentable inventions in Australia.

The Pharmaceutical Corner

June 2021
We look at the underlying decision in *Immunex v. Sandoz* and the potential implications on pharma patent licensing strategies.

Global M&A Intelligence Report 2021

23 June 2021
Our annual Global M&A Intelligence Report is based on an analysis of key deal terms in over 3,200 private M&A transactions on which we advised since 2015.

Multi-jurisdiction guide for screening foreign investments

26 May 2021
The aim of this guide is not to substitute proper due diligence and specialized advice when conducting business, it will hopefully help the reader navigate the different FDI regimes. Particularly in this complex context and in view of the proliferation of new regimes, by explaining the key aspects of regimes including main issues to consider, thresholds and proceedings to take into consideration when investing in our globalized world.

New medical device regulations in China likely to lead to increased regulatory enforcement

3 May 2021
The Chinese State Council has passed the eagerly anticipated revisions to the PRC's Regulations for Supervision and Administration of Medical Devices, which will come into effect on 1 June 2021. The Regulations will significantly increase the range and size of penalties that may be imposed for regulatory violations.

Israel Group News May 2021

1 May 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Penalizing Resale Price Maintenance in China’s Pharmaceutical Industry

30 April 2021
The State Administration of Market Regulation (SAMR) fined Yangtze River Pharmaceutical Group RMB764 million for engaging in resale price maintenance (RPM) in violation of China's Anti-Monopoly Law (AML). This reflects the SAMR's renewed prioritization of RPM enforcement and underscores the challenges to defending RPM practices under the AML.

The Pharmaceutical Corner

30 March 2021
The opinion may render functional claiming more difficult, but functional claims that follow its guidance may still have an important role to play in pharmaceutical patents.

Understanding the USPTO guidance on patenting AI technologies

30 March 2021
The USPTO guidance opens the door for applicants to obtain patent protection for their AI technologies.

United States imposes significant new export controls and sanctions on Russia and China

23 March 2021

Reflecting a further hardening of US foreign policy and national security policy positions with those two countries.

Corruption Perceptions Index 2020 - a regional perspective

11 February 2021

Last week Transparency International launched the 2020 edition of its Corruption Perceptions Index (CPI), which ranks 180 countries and territories by their perceived levels of public sector corruption, according to experts and business people, using a scale of zero to 100 (100 being very clean and zero being highly corrupt).

The Qualified Maquiladora Approach Agreement has been renewed: Implications for multinationals' transfer pricing

26 January 2021
US-based multinationals using the maquiladora structure to manufacture goods in Mexico are taking note.

Israel Group News January 2021

19 January 2021
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Boardroom Brexit: What the deal means for trade in goods

31 December 2020
BOARDROOM BREXIT

What will the Trade and Cooperation Agreement mean for tariffs and quotas, rules of origin, technical barriers to trade, customs and product standards

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Boardroom Brexit: What the deal means for trade in services

31 December 2020
BOARDROOM BREXIT

The TCA has substantial sectoral coverage, including professional and business services (e.g. legal, auditing, architectural services), delivery and telecommunication services, computer-related and digital services, financial services, research and development services, most transport services and environmental services.

The Pharmaceutical Corner

22 December 2020
A precedential decision with potentially far-reaching impacts for future Hatch-Waxman litigation and generic-product launches.

Telehealth around the world: A global guide

19 November 2020

This Global Guide provides an overview of the current state of telehealth regulations worldwide and assists readers to identify the opportunities, challenges and risks, on a country-by-country basis.

Coronavirus: Directors' duties and making decisions in a crisis

2 November 2020
Directors need to carefully consider how to address the risks of the ongoing COVID-19 pandemic within their business, given its impact on the global economy. As many companies are continuing to face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

China signs off on PRC Biosecurity Law: What this means for industry players in China

21 October 2020
The Biosecurity Law establishes a comprehensive framework replacing the current somewhat piecemeal legislation.

China Enforces Tax Collection on Employees Working for Chinese-invested Enterprises Overseas

16 October 2020
With the recent IIT reform in 2019, and the introduction of a number of implementation rules (particularly the tax policy on overseas income), it appears the China tax authorities are taking a harder stance on how overseas income derived by China tax residents will be taxed in China, starting with Chinese expatriates working for Chinese state-owned enterprises.

Hong Kong Employment Law Update

16 October 2020
In this article, our Hong Kong Employment team provides an update on the Government's efforts to enforce clawback and penalties in respect of the first tranche of the Employment Support Scheme and statutory maternity leave increasing to 14 weeks from 11 December 2020.

COVID-19 – Galvanising your business against supply chain and customer insolvency risk

7 October 2020
The risk of unforeseen counterparty customer or supplier financial distress and failure amidst the on-going challenges for businesses from COVID-19 means that pre-emptive legal and operational protections against the risk of heavy financial loss or business disruption from customer/supplier failure are more valuable than ever.

Israel Group News October 2020

7 October 2020
ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Mass layoffs and collective redundancies guide

6 October 2020
As COVID-19 continues to impact the global economy in unprecedented ways, companies that have had to scale back or shut down operations are bracing for what the next few months will bring, and what this means for their workforces. In this guide, we examine key considerations for employers looking to make permanent reductions in force across APAC.

Recent Breakthroughs for Foreign Arbitration Institutions in China

5 October 2020
On 7 September 2020, the State Council has further published the “Work Plan for Deepening Comprehensive Pilot and New Round of Opening-Up of Services Sectors in Beijing and Building Comprehensive Demonstrative Area of Opening-Up of State Service Sectors” further allowing foreign arbitration institutions to provide arbitration services in Beijing.

Coronavirus Resource Center: Our global repository of insights and events

30 September 2020
A central repository for our reports and commentary on the legal and regulatory concerns arising from the pandemic.

New CFIUS regulations change mandatory filing requirements and increase the importance of US export controls

30 September 2020
The new rule modifies the criteria that trigger a mandatory filing with CFIUS, potentially subjecting more transactions to mandatory CFIUS review.

Philadelphia grows privacy capabilities with a new arrival

30 September 2020
Ronald Plesco, an internationally known information security and privacy lawyer, has joined our Philadelphia office.

The Pharmaceutical Corner

30 September 2020
In this inaugural column, we look at the implications of IPR and PGR proceedings in Hatch Waxman litigation.

China lifts further travel restrictions for certain foreigners

28 September 2020
Effective from 28 September 2020, China will allow foreign nationals holding three categories of valid Chinese residence permits (work, personal matters, and reunion) to enter China with no need for applying for new visas. This is a further lifting of travel restrictions for foreigners who have the need to return to China.

Digital Therapeutics - evolution and entry into mainstream healthcare

18 September 2020
Research undertaken by DLA Piper's Life Sciences sector in conjunction with The Lawyer seeks to understand the current developments in the field of digital therapeutics, looking at key questions that need to be addressed if these products are to become mainstream components of health systems across the world.

Human rights compliance programmes in the Life Sciences sector

10 September 2020
The risk of adverse environmental, social or human rights impacts is one that Life Sciences businesses will be familiar with.

Human rights compliance programmes: Why now?

10 September 2020
Businesses are increasingly required to identify and manage their involvement in adverse environmental and social impacts throughout their organisations and supply chains. Previously, drivers for developing human rights compliance programmes have included reputation risk and compliance with best practice and “soft law” standards.

Can Australia forget about investment from China?

8 September 2020

This article is based on a series of interviews with clients and colleagues based in mainland China, and explores the attitudes of Chinese businesses to overseas investment generally, and into Australia in particular. There was high degree of consistency in responses from clients on their investment plans, and perceived barriers to investment in Australia. The overall picture painted was one of businesses and investors still interested in overseas investment in certain sectors and in certain markets, but who are currently adopting a “wait and see” approach given travel restrictions and a significant level of uncertainty in global markets.

Details of the second tranche of Hong Kong’s Employment Support Scheme released

24 August 2020
On 18 August 2020 the Hong Kong government announced details surrounding the second tranche of the Employment Support Scheme. While the majority of the rules surrounding the second tranche remain largely the same as the first tranche, there are new penalties for employers who have fallen foul of a number of nebulous terms.

Release of exposure draft legislation for major reforms to Australia’s Foreign Investment Framework

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

Vlog series: How to raise equity capital during the Coronavirus pandemic (UK)

4 August 2020
The first half of 2020 has seen an unprecedented volume of activity by companies raising capital through follow-on equity offerings on the

London Stock Exchange in response to the Coronavirus pandemic. There have been over 140 equity issues on the London Stock Exchange's main market or AIM since 20 March 2020 raising more than GBP14 billion.

Hong Kong Government increases statutory entitlement for maternity leave

16 July 2020

On 10 October 2018, the Chief Executive stated in her policy address that the government proposed to increase the statutory maternity leave entitlement from ten to 14 weeks.

Israel Group News July 2020

8 July 2020

ISRAEL GROUP NEWS

In this issue, our global activities, latest publications, recent events and more.

Clinical trials during the COVID-19 pandemic: A global guide

2 July 2020

The consequences of the COVID-19 pandemic continue to develop dynamically. Some countries are beginning to ease lockdown measures, whilst other retain or even impose new restrictions. The situation continues to impact the ability to conduct clinical trials on a global scale. Pharmaceutical companies need to address even more challenges to ensure the continuity of trials on human medicines.

A go-to firm for defending patent cases

30 June 2020

Recognition from *Law360*

Atlanta expands privacy capabilities

30 June 2020

Lael Bellamy's arrival bolsters our data protection, privacy and security capabilities throughout the firm.

Changes to Hong Kong anti-discrimination legislation

30 June 2020

Anti-discrimination laws in Hong Kong have undergone a series of changes over the past few years.

Hatch-Waxman Litigation 101: The Orange Book and the Paragraph IV Notice Letter

30 June 2020

A few of the key issues that must be addressed before a Hatch-Waxman suit is filed.

Intellectual property rights are a renewed focus as the world looks beyond a global viral outbreak

30 June 2020
A few key IP-related considerations for companies, whether they are seeking to expand into new markets or looking to preserve their place in an existing market.

Northern California bolsters telecom and regulatory practice

30 June 2020
Regulatory and telecom attorney Kristin Jacobson has joined our Northern California office in Sacramento.

Washington, DC grows technology capabilities with two new arrivals

30 June 2020
Marius Domokos and Justin Ilhwan Park have joined our Washington, DC practice.

First emerging technologies identified and controlled for export in the EAR

26 June 2020
The designation also makes these a "critical technology," giving CFIUS jurisdiction over foreign investments in US businesses that engage with these items.

Therapies for COVID-19: Two major developments

25 June 2020
The developments, one negative and one positive, involve widely available medications.

CFIUS encourages public to provide tips and referrals

24 June 2020
The new webpage encourages tips and referrals about non-notified deals, violations of CFIUS mitigation measures, and other matters that raise national security risk.

Business protection: An Interactive guide

18 June 2020
Global companies are at risk of their data and confidential information being leaked to competitors, especially when key employees leave. Protecting the integrity of new formulations and trade secrets is crucial, particularly for life sciences companies, to holding a competitive advantage and building success.

Australia tightens rules on foreign investment

17 June 2020
In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

Preparing for global class actions arising from COVID-19

28 May 2020
The risk to companies of global and cross-border class action and collective redress proceedings is rising.

Chinese and other emerging market companies listed in the US face increased scrutiny from Congress and Nasdaq

27 May 2020
Within a span of two days, the US Senate, House and Nasdaq each took steps to safeguard investors in the US capital markets.

PFAS: in California, regulators put cleanup levels on hold, but announce major data hunt

7 MAR 2019
This data hunt will affect thousands of facilities, drinking water systems and private drinking water well owners.

Intellectual Property and Technology News (United States), Issue 23, Q3 2014

10 SEP 2014

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Our Intellectual Property and Technology News reports on worldwide developments in IP and technology law, offering perspectives, analysis and visionary ideas.

Distributing patent rights between affiliates: guidelines to support enforcement rights around the world

16 NOV 2015

Considering a few issues at the outset when rights are distributed between Parent and Affiliate (or between multiple affiliates) may avoid difficulties in the future when a company wants to enforce patent rights.

EVENTS

Previous

Using AI to monitor your compliance risks

31 March 2022
Webinar

Embracing Digital Evolution

15 September 2021
Webinar

EDPB recommendations for safeguarding data transfers after Schrems II

19 November 2020
Webinar

NEWS

DLA Piper advises Philip Morris International Inc. on USD16 billion recommended cash offer for Swedish Match

12 May 2022
DLA Piper, as International Counsel, is advising Philip Morris Holland Holdings B.V., an Affiliate of Philip Morris International Inc. (PMI), on its USD16 billion recommended public offer to the shareholders of Swedish Match AB (Swedish Match), a public limited company with shares listed on Nasdaq Stockholm.

DLA Piper advises Intermediate Capital Group on the sale of Everlight Radiology

1 September 2021
Global law firm DLA Piper has advised Intermediate Capital Group (ICG) on the sale, to UK-based private equity firm Livingbridge, of Everlight Radiology, a global teleradiology provider that facilitates 'around the clock' urgent and routine teleradiology reporting services to hospitals and healthcare providers in Australia, New Zealand, the UK and Ireland.

DLA Piper advises Hinduja Global Solutions on USD1.2 billion sale of its healthcare business

11 August 2021
DLA Piper is advising Hinduja Global Solutions Limited (HGS) on the sale of its healthcare solutions business to Baring Private Equity Asia, in a transaction valued at USD1.2 billion subject to closing adjustments.

DLA Piper advises HUTCHMED on its Hong Kong IPO

8 July 2021
DLA Piper is advising global biopharmaceutical company HUTCHMED on its Hong Kong public offering. This will be the third listing for the company, following its first on London's AIM exchange and then NASDAQ in the US.

DLA Piper advises Poland’s Copernicus on its sale to Nemera

29 October 2020
DLA Piper has advised Copernicus, regarded as one of the most valued innovative companies in the Polish health sector, and its founders on its sale to Nemera, a world leader in the design, development and manufacturing of drug delivery devices for the pharmaceutical, biotechnology and generics industries.

In New Zealand

Health and the science around health, wellbeing and active ageing, are a vast and burgeoning sector of the world's economy.

Legal matters confronting this area of business are deeply complex and widely varied. DLA Piper's international legal team has the scientific, medical and specialised legal knowledge to meet clients' challenges – in New Zealand and globally.

Our health and life sciences team is one of the largest in the world. It is active across 30 jurisdictions. We understand IP, regulatory, reputational, legal scientific and medical risks.

In New Zealand, healthcare and life sciences are rapidly growing areas. The burden of management, legal, fiscal, legal and regulatory issues that health service providers, life science entities and health professionals face in this country is significant.

DLA Piper New Zealand is highly competent. We act for DHBs, government departments, international pharmaceutical organisations, private healthcare organisations and insurers, including on Accident Compensation, very significant negligence claims and related matters.

DLA Piper New Zealand also routinely advises primary care practitioners, regulatory and professional registration authorities, medical and scientific research organisations and healthcare insurers.

In the medico legal area, we have in-depth experience in high profile and high value medical negligence cases, across numerous medical specialties. DLA Piper New Zealand has a highly respected litigation and insurance practice, adept at dealing with investigations, complaints, disciplinary proceedings and inquiries.

Through DLA Piper, we also have the contacts to provide up to date information on trends and issues in this internationally significant sector, as well as case material relating to it.

We can deploy for small, innovative healthcare and life sciences organisations, right up to global entities, whether it be for IP, licensing, M&A, privacy, outsourcing, anti-trust, competition, investigation, litigation or any other matter.

EXPERIENCE

Medical Protection Society
DLA Piper New Zealand acted for the Medical Protection Society who was the medical practitioner's professional indemnity organisation, for an indemnity defence. The medical practitioner's regulatory authority (the Medical Council of New Zealand) made a referral for investigation by a Professional Conduct Committee, resulting in proceedings before the Health Practitioners Disciplinary Tribunal for professional misconduct involving inappropriate sexual relationship with a former patient, who then committed a criminal offence resulting in committal to a forensic psychiatric institution. Following negotiation with prosecuting counsel, and a two-day hearing before the Tribunal, an acceptable penalty determination issued.

Pfizer New Zealand Limited
DLA Piper New Zealand advised on all aspects of the New Zealand component of the global sale of Pfizer's global paediatric nutrition business to Nestlé, including the areas of corporate, employment and competition. This was one of the largest global M&A transactions of 2012 (equating to US$11.85billion), involving the sale of business units in over 40 jurisdictions world-wide. DLA Piper represented Pfizer in a number of the jurisdictions including Australia, Egypt, Greece, Hong Kong, New Zealand, South Africa and Venezuela.

Pfizer
DLA Piper New Zealand advised on the New Zealand employment law component of the spin-off of Pfizer's Animal Health Unit. This was the biggest IPO since Facebook and globally was worth approximately US$2.2 billion. The Pfizer animal health business was spun off into a stand-alone animal health business - Zoetis. This project involved in the region of 9000 employees globally. We advised Pfizer on the transfer of employees from Pfizer to Zoetis, including complex superannuation advice, consultation advice and advice covering all employment related risk.

Zoetis
Zoetis is the world's largest producer of medicine and vaccinations for pets and livestock. Zoetis is a publicly traded subsidiary of Pfizer, the world's largest drug maker, which retains an 83% controlling interest in the firm. DLA Piper New Zealand provides 100% of Zoetis's employment law support regarding its New Zealand operations.

We have prepared a Guide To Doing Business In New Zealand to help those venturing into the market navigate their way through local legislation to identify and maximise the many opportunities that are available.

Sustainability and ESG

Sustainability and resilience are core business issues in the life sciences sector, given the sector's central role in addressing systemic global challenges including pandemics, access to medicine, and fundamental human rights. Although the specific factors from a sustainability, environmental, social and governance (SESG) perspective in the life science industry differ from those of other industries, creating new and sustainable value in the life science space will depend upon how companies address relevant SESG risks. Boards must actively identify such SESG risks and ensure that they are efficiently mitigated in order for their companies to avoid pitfalls and ensure compliance with evolving regulation around the globe – and also to maintain their competitive position and profitability.

On the basis of our experience in the sector, we believe the following sustainability-related themes to be the core SESG issues that will continue to affect life science businesses:

- **Access and affordability:** Addressing unmet healthcare needs, increasing access to affordable essential medicines and strengthening health systems around the world are all fundamental to social and economic progress. The coronavirus disease 2019 (COVID-19) has further highlighted the importance of the life sciences sector in addressing these challenges. Against this background, international life science business will need to engage in discussions about and develop strategies addressing these issues across the world, particularly with regard to improving the situation in lesser developed countries.
- **Supply chain compliance:** Many governments and regulators around the world are implementing tighter rules on supply chain compliance. To retain their license to operate, life sciences companies must adhere to an evolving set of global laws and regulations. Furthermore, transparency requirements, as well as responsibility and liability for global suppliers are increasing. This ongoing regulatory shift, and the increased likelihood of litigation which goes with it, will have a significant impact on the global life sciences industry. This is because supply chains are often particularly lengthy and complex and influenced by many different internal and external factors that are hard to monitor and control.
- **Product safety and quality:** Fake or substandard medicines lead to hundreds of thousands of deaths each year. Drug safety, along with protecting health consumers from counterfeit medicines and drug diversion, are integral to ensuring public health and maintaining trust and confidence in the life sciences sector. Consequently, life science companies will need to put increasing focus on ensuring product safety as well as maintaining secure distribution channels to patients.
- **Business ethics:** There is increasing stakeholder attention, including from regulators and policymakers and also from providers of capital, on transparency and ethics in business dealings with healthcare providers and medical practitioners for the sale and use of products, as well as in relation to lobbying and advocacy activities. The way in which businesses respond to these expectations can have a direct impact upon their reputation, their cost of capital and ultimately upon their license to operate.
- **Transparency and access in clinical trials:** Stakeholders increasingly expect transparency in clinical trials and wider access to trial data for scientific exchange and research. There is a bright spotlight on participant safety and privacy. Businesses are demanding more effective information sharing to enable informed decision-making and consent, along with post-trial access to results. Technology and collaborative partnerships with patient and health worker groups enable wider representative demographic populations to participate in clinical trials.
- **Sustainable sourcing, product lifecycles and a circular economy:** Markets demand greater visibility across product lifecycles, businesses make commitments to net-zero decarbonisation and business model innovation is driven by circular economy concepts. Underpinned by an increasingly complex transnational regulatory landscape, these developments are changing the way raw materials are sourced; how products are designed, manufactured, packaged, sold, reused or recycled; how waste and hazardous material is treated; and how wider environmental and social impacts relating to issues like emissions, plastics, water use, biodiversity loss, labour conditions and community impacts are managed.
- **Net-zero decarbonisation and optimisation of processes:** In striving to decarbonise the economy, businesses are implementing commitments to Science Based Targets, increasing energy efficiency and reducing carbon output, decreasing dependency on fossil fuels and increasing the use of renewables. The implementation of these initiatives is creating operational efficiencies, optimising the drug manufacturing, packaging and distribution process and reducing costs across the sector.

To discuss the implications of these issues for your business, please contact our ESG leaders.