



Licensing and
commercialisation
in life sciences

Market trends and challenges

- **Patent expiry, declining R&D productivity and a desire to share development risk** necessitate licensing, collaboration and acquisition
- **A highly competitive market in challenging economic conditions** has led to cherry picking of IP assets, with differentiation and risk profile remaining key factors
- **Deferred consideration**, in the form of milestone payments and royalties on sales, remains a key tool to limit upfront spend, with security over valuable IP and its proceeds becoming more common
- **The stalling of traditional markets, and opportunities in emerging markets** has caused stakeholders to change their geographical and product focus
- **Group restructuring** involving the movement of IP assets and licensing can achieve considerable tax savings
- **Scrutiny of existing arrangements** with renegotiation and an upsurge in IP enforcement are natural consequences when markets shrink
- **Implementing product lifecycle strategies** requires careful consideration of competition law
- **Effective product promotion** must comply with stringent regulation and industry codes

Our expertise

Our fully integrated, scientifically qualified, international life sciences licensing team delivers strategic and pragmatic advice on licensing, collaboration and commercial transactions.

Our expertise in intellectual property, anti trust, tax, corporate, commercial, regulatory and compliance, at the EU and national levels, gives us the full picture, enabling us to understand business needs and so help you to achieve your goals whilst managing risk and challenges effectively.

We advise leading universities, spin-outs, venture capital funds, private equity houses, small and medium sized businesses, major biotechnology and pharmaceutical companies, as well as governments, across a broad range of products and technologies.

We are consistently ranked first in league tables in the life sciences sector and we are ranked as top tier by the leading legal directories.

Examples of recent work

- advising a **listed pharmaceutical company** on its collaboration and licensing deal with a Japanese company, under which our client received worldwide rights to a fully human monoclonal antibody. The deal included complex co-development and co-promotion arrangements, with multi-million dollar upfront and milestone payments plus royalties on product sales.
- advising a **UK life sciences private equity fund** on its licensing and acquisition of pharmaceutical assets and shareholdings from an investment fund and from other interested parties.
- advising a **healthcare company** on its disposal of assets and rights in a treatment for kidney disease, involving a complex international tax structure balanced with an innovative package of rights, security and a guarantee to protect ongoing interests.
- advising a **listed Danish biotechnology company** on its collaborative research and licensing agreement regarding the development of human antibody therapeutics for disorders of the central nervous system.
- advising a **listed Danish biotechnology company** on its US\$2.1bn licensing deal for the exclusive global co-development and commercialisation of a fully human monoclonal antibody.
- advising a **Danish speciality pharmaceutical company** on a series of global licensing agreements for its proprietary linker and carrier technology, which allows for a drug compound to be released in the body in a precise, time-controlled fashion, creating a long-acting effect.
- advising a **UK based biotechnology company** on numerous licensing and other deals for, including the grant of exclusive licences in North America and Europe to different third parties, a strategic partnership agreement to co-develop a product in Japan, and the sale of various compound related assets.

- advising an **Italian biotechnology company** on its exclusive licence and collaboration agreement with a university spin out company in the oncology field.
- advising a **leading medical device company** on the licensing and supply of its syringe cap and stopcock technology and on the supply of hepatocytes under the Human Tissue Act 2004.
- advising a **major global pharmaceutical company** on the strategic licensing of patented products and related competition issues in Belgium.
- advising a **leading consumer health company** on its global trade mark licensing arrangements with a major UK pharmacy.
- advising a **major pharmaceutical company** on its strategically important and high value HBV and HIV licence agreements in the Far East.
- advising a **leading consumer products company** on IP and insolvency issues concerning the licensing and supply of an intense-pulsed-light hair-removal device.
- advising a **major pharmaceutical company** on its group trade mark licensing and commercialisation arrangements.
- advising an **international business** on the exploitation of its clinical database and related services to pharmaceutical companies.
- advising an **international pharmaceutical company based in Germany** on its sales development and resourcing services agreements.
- advising a **speciality pharmaceutical company** on European data exclusivity issues under a multi-million dollar world-wide exclusive license for the commercialisation of a Parkinson's disease treatment.
- advising a **Danish company** on the legal and practical implications of a proposed group reorganisation of the management of medical and regulatory activities in Europe, including distribution, promotion and pharmacovigilance.
- advising a **US company** on market access for formulations of capsaicin product in China and Japan.
- advising an **international pharmaceutical company based in Switzerland** on regulatory issues surrounding the sale and promotion of antiseptic products as medicines in the UK.
- advising a **German food company** on the launch of its slimming product in the UK.
- advising a **listed Danish biotechnology company** on its global compliance policy, including disclosure of payments to healthcare professionals.

What others say about us

“Strong practitioners in a number of key jurisdictions, including France, Germany, Italy, Spain and the UK.” Chambers Global 2014

“Simmons & Simmons has a commanding position in the life sciences market, and its capability in the UK is further complemented by an extensive worldwide practice which ensures no matter is too complex or multijurisdictional for the group to handle.” Chambers UK 2013

“This international firm offers a comprehensive life sciences service, covering commercial transactions, IP, regulatory advice and product liability.” Chambers Global 2013

“Simmons & Simmons has an exceptionally strong presence in the life sciences field, possessing the breadth and depth to handle work ranging from high-value transactions to complex patent litigation.”
Sources say: “Their support is very important - they're extremely proactive and their advice is always good.” Chambers UK 2012

Sources say: “They put in very high-quality people, totally reliable and extremely flexible.”
“They have been keen to understand our business and have done over and above what we expected from them.” Chambers Global 2012

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