

Dr. Sven J.R. Bostyn, LLB, Lic. Jur., LLM, PhD, Dr.Jur.

Dr. Sven J.R. Bostyn (LLB, Lic. Jur., LLM, PhD, Dr.Jur.) is Associate Professor of Innovation Law at the Faculty of Law, University of Copenhagen, an Assistant Professor of Intellectual Property Law at the Institute for Information Law (IVIR) of the University of Amsterdam, Visiting Professor at the Universities of Turin and Catania (Italy), Tongji University (Shanghai) and Harvard Law School (US), and consultant in IP. He is also a regular guest professor at CEIPI in Strasbourg. He graduated cum laude in Law at the University of Gent (Belgium), obtained a summa cum laude postgraduate Masters in Law degree at the University of Stockholm (Sweden), and successfully defended his PhD in law at the University of Maastricht in 2001, where he was a lecturer from 1996 until 2003. His PhD studied the enabling disclosure requirement in patent law for biotechnological inventions in Europe and the United States, and has been widely acclaimed for its quality and relevance.

He is specialized in all areas of IP law, a world authority in the area of patent law relating to pharmaceuticals, biotechnology, medical devices, software (including AI related inventions) and SPC's, and also a world authority in the area of plant patents and plant variety rights. He is also an expert in regulatory exclusivities (data and market exclusivity) in the area of pharmaceuticals in general, and orphan drugs and antibiotics in particular, and in trade secret law.

He was member of a Scientific Advisory Committee at the Dutch Royal Academy of Sciences (Gene Patents Committee, 2002-2003) and was between 2013 and 2016 the Chair of the Expert Committee at the European Commission on the development and implications of patent law in the field of biotechnology and genetic engineering, after having been a member of and Rapporteur at an earlier European Commission Expert Group (2003-2006). Besides the European Commission, he has also advised both the Belgian and Dutch governments on policy matters regarding patentability of biotechnological and software inventions. He is often consulted as an expert in patent law, regulatory exclusivities and licensing matters, by government institutions and by practitioners in the framework of litigation.

He was expert partner and one of the lead authors in a project relating to evaluation of SPC protection and regulatory exclusivities, including the orphan drug system, in the Netherlands and Europe (Dutch Ministry of Health and Ministry of Economic Affairs and Climate) (2017-18), which has led to a widely used and acclaimed report. He currently advises the European Parliament on the potential introduction of a unitary SPC system.

He has additionally more than 18 years of experience in private practice. He has worked for multinational and boutique law firms. His main practice was/is in patent law and regulatory exclusivities, with particular emphasis on life sciences and green biotech.

He is a frequent speaker at international conferences organized by commercial conference agencies, (inter)national government agencies and academic institutions (more than 230 invited speeches).

Aside from being native in Dutch, he is fluent in French, English, German and has a working proficiency of Italian and Swedish, and is now in the process of acquiring proficiency in Danish.

Selected publications

He is the author of more than 75 single authored scientific peer reviewed publications, amongst which two widely acclaimed monographs.

Books, chapter & reports:

Bostyn, S.J.R., Personalized Medicine, Intellectual Property Rights and Human Rights, in, P. Torremans (ed.), Intellectual Property and Human Rights, Kluwer Law International, 2020, 907-986; **Jongh, T. de, Radauer, A., Bostyn, S.J.R., Poort, J.**, Effects of Supplementary Protection Mechanisms for Pharmaceutical Products, May 2018, Technopolis Group, 169 pp, downloadable at <https://www.technopolis-group.com/report/effects-of-supplementary-protection-mechanisms-for-pharmaceutical-products/>;

Bostyn, S.J.R., et al., 'Final Report of the Expert Group on the development and implications of patent law in the field of biotechnology and genetic engineering', European Commission, 2016, 265pp; **Bostyn, S.J.R.**, Patenting DNA Sequences (Polynucleotides) and Scope of Protection in the European Union: An Evaluation, Luxemburg, European Communities 2004, +146 pp.; **Bostyn, S.J.R.**, Enabling Biotechnological Inventions in Europe and the United States. A study of the patentability of proteins and DNA sequences with special emphasis on the disclosure requirement, Eposcript Series, nr. 4, EPO, München, 2001, + 340 pp.

Journals:

Bostyn, S.J.R., Is the European Patent System for (Bio)Pharmaceuticals in Need of Change?, IIC, 2023, 171-175, <https://doi.org/10.1007/s40319-022-01259-7> ; **Bostyn, S.J.R.**, Sub-setting and indication stacking in orphan drugs: a recipe for the future of exclusive rights, Stockholm IP Review, 2022-1, 26-43, <https://stockholmiplawreview.com/issues-2/issue-1-2022/>; **Bostyn, S.J.R.**, "Towards a Fair Scope of Protection for Plant Breeders' Rights in an Era of New Breeding Techniques: Proposals for a Modernization of the Essentially Derived Variety Concept" 2021, Agronomy 11, no. 8: 1511. <https://doi.org/10.3390/agronomy11081511> ; **Bostyn, S.J.R.**, Why a COVID IP Waiver Is not a Good Strategy (May 10, 2021). Available at SSRN: <https://ssrn.com/abstract=3843327> or <http://dx.doi.org/10.2139/ssrn.3843327> ; **Bostyn, S.J.R.**, Access to Therapeutics and Vaccines in Times of Health Pandemics: How Exclusivity Rights Can Affect Such Access and What We Can Do About It, IPQ, 2020, 227-270; **Bostyn, S.J.R.**, Personalised medicine, medical indication patents and patent infringement: emergency treatment required, IPQ, 2016, 151-201; **Bostyn, S.J.R.**, Medical treatment methods, medical indication claims and patentability: A quest into the rationale of the exclusion and patentability in the context of the future of personalised medicine, IPQ, 2016, 203-230; **Bostyn, S.J.R.**, Patentability of plants: at the crossroads between monopolising nature and protection technological innovation? The Journal of World Intellectual Property (2013) Vol. 16, no. 3-4, pp. 105-149.