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Simon Holzer is the head of MLL's technical IP team. He is a very experienced IP practitioner across a wide range of industries and technologies, including pharmaceuticals, medical devices, telecommunications (including standard-essential patents and FRAND cases), software, cosmetics and foodstuffs. In 2010, the Swiss Parliament appointed Simon Holzer as a part-time judge of the Swiss Federal Patent Court. This court has jurisdiction over patent disputes throughout Switzerland.

What inspired you to specialise in IP law?

When I was a younger lawyer, it was intensively discussed that intellectual property rights would become more and more important for innovative companies not only from a legal point of view, but also commercially. Whereas in 2000 intangible assets and tangible assets roughly balanced each other in the valuation of companies, today almost only intangible assets play a role in the balance sheet of innovative companies. In addition, I have always been fascinated by the combination of very tangible legal issues in a world of intangible rights.

On which types of matters have clients sought your advice recently?

The medtech industry seems to be very dynamic with a lot of potential and evolving legal issues. That is why in the last year, our team advised several existing and new clients in the field of medical devices. Many of them contacted us in connection with new e-health devices. This is a field where our law firm is particularly strong since we do not only cover the IP and regulatory part of the law, but also advise in connection with IT and data protection issues.

In the patent area, we have discussed many patent litigation strategies with our clients over the past year. The case law of the Swiss Federal Supreme Court, up to which stage in proceedings which arguments and pieces of evidence have to be asserted, has become increasingly complex and this requires detailed planning of patent litigation.

In what ways has your practice been involved in discussions surrounding patents, and the research and production of covid-19 vaccinations?

Most of the patents and patent applications in the field of covid-19 vaccinations are still very new and the patent landscape in this area is extremely dynamic. For confidentiality reasons, I cannot disclose in detail the composition of our clientele in this area. However, it will be very interesting to see which companies will eventually walk away with a valid patent for their innovations in covid-19 vaccinations and which companies use these patents and will have to pay royalties or face the risk of injunctions. At the moment, in the midst of the pandemic, there is still some reluctance to assert IP rights to covid-19 vaccines, but this will most likely change.

How is patent law developing in Switzerland with regards to inventive step requirements, and which industries are most likely to be affected by this?

As in many other European jurisdictions, patents in Switzerland have come under pressure in relation to the examination of inventive step in litigation proceedings if the effect of the invention is not already described in the patent application in some detail and where there is no data at all in the patent application. I find that this development is problematic because at the time these patents were filed, the requirements for examining inventive step were different and the patent applications were not written with today's practice in mind. The pharmaceutical industry is particularly affected by this development.

What will the recent merger between Meyerlustenberger Lachenal and Froriep mean for the future of the firm?

Together with our new colleagues we strived for becoming the leading Swiss law firm for technology affine and IP-rich clients. The merger of our two law firms allows us to gather the necessary skills and focus on the necessary specialisation to achieve this goal. The merger also increases our visibility and helps us to share future investments, e.g. in legal tech, among additional fee earners. In addition, it strengthens our international reach and makes us therefore also more attractive for young talents.

In which direction would you like to steer your practice in the next five years?

Our practice already has a thorough understanding of the commercial and practical interests and needs of our clients in their respective industries. We would like to expand this knowledge even further in the coming years. We believe that we not only need to know our clients' legal issues, but also understand their technologies and commercial challenges.

What is the best piece of advice you've ever received?

It is important to like people and be positive about them. Of course, our job is often about technology, rights and claims. That is all important and mostly very interesting. But at the end of the day, it is also about working together in a focused and trusting way. That is only possible if you are also interested in your clients as people and have a good time with them.

WWL says: *The "brilliant" Simon Holzer ranks highly among peers who herald him as "one of the best" in patent litigation spanning standard-essential patents and FRAND disputes.*