

## Life Sciences

### OUR EXPERTISE

Our Life Sciences team, whose lawyers are fully aware of the stakes involved and of the applicable laws and regulations, has acquired extensive advisory and trial skills in this specific field of expertise.

The team's services are aimed at the many French and foreign actors of the life sciences industry: pharmaceutical companies, distributors of pharmaceutical products and medical devices, medical biology laboratories, private hospitals, etc. In fact, we have been providing for almost 20 years regular assistance to many leading pharmaceutical companies.

The team's lawyers, who work mainly in French, English, and German, are all familiar with the players in the life sciences industry and have a perfect command of the judicial procedures and protective measures frequently encountered in the field (proceedings in urgent matters, petitions, seizures, etc.). Heavily involved at all stages of the case, the partners remain in operational control and are responsible for strategic decision-making.

For its recognized life sciences expertise, Lmt Avocats was nominated for the Life Sciences Trophy of the 2009 Law Trophies.

### WHAT WE DO

- Regulations applicable to the life sciences industry:
  - We advise life sciences professionals on MA filing and acquisition.
  - We assist them with the determination of their pricing policies as well as other issues such as their promotional policies, especially in regard of the French DMOS act regulating relations between businesses and the medical profession and of the rules applicable to comparative advertising and pricing transparency.
- Regulated commercial and industrial contracts:
  - We draw up and negotiate file acquisition, licensing, co-marketing, co-promotion, manufacture and supply contracts.
  - We draw up and negotiate distribution and agency contracts as well as contracts for the outsourcing of sales forces.
- Sale and acquisition of pharmaceutical companies or their divisions
- Assistance to clients investigated by the French agency for competition, consumers, and the repression of fraud (DGCCRF)
- Representation of health professionals:
  - We represent clients before the civil, commercial, administrative, and criminal courts in unfair competition proceedings and litigation relating to breach/termination of contract (MA assignments, distribution of pharmaceutical products, etc.), trademarks, drugs advertising, as well as the French DMOS act regulating relations between businesses and the medical profession.
  - We represent clients before professional tribunals, the life sciences industry's ethics and mediation committee (CEMIP), and professional associations' tribunals.
  - We represent clients in matters of medical liability and industrial risk (product liability).



## H I G H L I G H T S

### Litigation

- Representation of several leading European and global pharmaceutical companies before the commercial and arbitration courts in matters of comparative advertising relating to pharmaceutical and veterinary products and medical devices
- Acquittal of the managers of the world's leading ophthalmology company in proceedings initiated by the French agency for competition, consumers, and the repression of fraud (DGCCRF) before the French criminal courts on the alleged grounds of the irregular granting of benefits to doctors
- Assistance with litigation relating to the sudden termination of a promotion contract between a Swiss pharmaceutical company and a communications agency
- Litigation relating to the interpretation of a minimum purchase clause in a distribution contract

### Company law / Mergers & acquisitions / Reorganisations

- Counsel to an international pharmaceutical group for the transfer of its generic drugs division to a world leader in the field
- Structuration of the capital of one of the leading European biology laboratories in accordance with the regulations applicable to the field of medical biology
- Counsel to the majority shareholder for the transfer of a controlling share in a pharmaceutical group specializing in drug delivery opposed by the minority shareholder
- Counsel in corporate and employment matters during the reorganisation of a German group

### Distribution / Competition

- Validation of the pricing, commercial, and marketing policies of several leaders in the life sciences industry (compliance programmes)

### Industrial risk and medical liability

- Medical liability litigation

### The Team

**Christophe Héry** - lawyer, partner

**Antoine Lemétais** - lawyer, partner

**Guy Martinet** - lawyer, partner

**Olivier Samyn** - lawyer, partner

**Géraldine Malinge** - lawyer, senior associate

**Charlotte Spiesser-Lacombe** - lawyer, senior associate

**Olivier Crauser** - lawyer, associate

**Géraldine Olagnol** - lawyer, associate

### Contact

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**Ask about our other areas of expertise:** Company Law/Mergers & Acquisitions/Private Equity • Counsel to Management • Corporate/Contracts • Commercial Property • Employment • Commercial Litigation • Industrial Risk & Liability/Insurance • Distribution/Competition/Consumer Law • IP/IT • Life Sciences • Tax • Transport/Customs • Bankruptcy Law • International Arbitration • Franco-German Relations • Criminal Business Law • Sports Law