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# Life Sciences & Healthcare Practice Group Switzerland



2020

# CMS Switzerland

CMS von Erlach Poncet is a leading Swiss law firm with over 150 lawyers. Our expertise covers all areas of commercial law. We offer first-class legal advice to companies, institutions and private individuals on both a national and international level.

More than half a century of successful company history makes CMS von Erlach Poncet a reliable and trustworthy advisor and partner.

The size and structure of our firm enable us to efficiently manage complex national and international assignments and provide teams of experts from various specialist areas according to your requirements.

CMS employs more than 8,000 lawyers in over 76 offices worldwide. Because we are affiliated with CMS, our clients have access to a global network of Life Sciences & Healthcare specialists. We regularly collaborate with our Life Sciences & Healthcare colleagues at other CMS offices. This enables us not only to advise you competently and cost-efficiently on international issues and procedures but also to have direct access to the know-how of our colleagues from other jurisdictions.



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# Life Sciences & Healthcare Practice Group

## Your specialists in the field of Life Sciences & Healthcare

Our Life Sciences & Healthcare team consists of specialised attorneys who will advise and represent you in all legal matters competently and tailored to the special needs of your company.

### Specialists

With more than 300 lawyers specialising in the Life Sciences & Healthcare sector worldwide and the support of the Life Sciences Asia Pacific Network (LAN), we at CMS are very familiar with the economic, commercial and legal needs of our clients in those industries.

### Reputation

We have been working successfully for many years with leading companies in the Life Sciences sector in the fields of pharmaceuticals, medical devices, biotechnology, chemistry, foodstuffs and cosmetics. These include the world's most important pharmaceutical companies and the world's leading medical device companies. In the Healthcare sector, we advise and represent all relevant medical service providers (hospitals, HMOs, nursing homes, laboratories, physicians, pharmacists, etc.) and their associations.

### Industry knowledge

Many of our experts have worked in Life Sciences & Healthcare companies prior to joining CMS, gaining extensive knowledge in pharmaceuticals, medical devices, biotechnology, chemistry, foodstuffs, cosmetics and medical services. Through our active membership in the most important industry associations and our

participation in the legislative process, we contribute to shaping the legal and regulatory framework for the Life Sciences & Healthcare sector.

### Comprehensive advice and representation

We regularly advise our Life Sciences clients on their day-to-day business, for example in research and development (particularly in clinical trials), patent enforcement, regulatory authorisations, advertising and distribution issues, pricing strategies and reimbursements under social security law as well as all regulatory issues (compliance) and data protection. We support our Healthcare clients in particular in the areas of social security regulatory authorisations, professional law, data protection, tariff negotiations and tariff settings, planning (hospital planning, planning of highly-specialised medicine), liability issues and compliance.

Whether you require professional support in the area of contracts, strategic agreements or in competition and antitrust law, or an expert opinion, are planning a corporate transaction or seek to engage in legal proceedings or are affected by legal, administrative or criminal proceedings, we would be delighted to assist you.

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## Contacts

Members of the Life Sciences & Healthcare Practice Group



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# Expertise



## Pharmaceuticals

Advising various pharmaceutical companies on negotiating and drafting **pharmatypical** contracts (research contracts, development contracts, contracts for clinical studies, contract manufacturing agreements, licensing agreements, distribution agreements, etc.)

Advising an EU pharmaceutical company in relation to the transfer of a reservation contract for the supply of **vaccines**

Providing regulatory advice and procedural representation to various pharmaceutical companies in relation to **operating authorisations** (manufacturing, wholesale, import, export, trading abroad) and special authorisations

Advising various pharmaceutical companies in selling their products to wholesalers and medical service providers, particularly in the area of **advertising and monetary benefits** (discounts, kickbacks, further and continued education contributions, sponsoring, etc.)

Providing an expert opinion for a global pharmaceutical company on the subjects of importing of and reimbursing for medicinal products for **unlicensed use** in oncological combination therapies

Advising and representing various pharmaceutical companies in appeal proceedings before the Federal Administrative Court and the Federal Supreme Court in relation to the inclusion of their medicinal products in the **list of reimbursable products (Specialities List)** and the periodic review of the listing conditions

Advising and representing a leading global pharmaceutical manufacturer in antitrust pre-clarification, investigations and court proceedings concerning the question of whether the publication of **price recommendations** for a medicinal product against erectile dysfunction resulted in unlawful price fixing

**Providing antitrust advice and representation** to leading international pharmaceutical companies in distributing their products and services

Advising and representing various pharmaceutical companies in **administrative measures and administrative criminal procedures**, including alleged violations of advertising regulations

Advising and representing various pharmaceutical companies in relation to access to documents applications and defending against such applications on the basis of **access to documents legislation**

Advising and representing a Chinese pharmaceutical company in reclaiming **exclusivity fees** paid following a failed transaction concerning the takeover of rights to a medicinal product

Providing ongoing advice and representation to a globally-operating Japanese pharmaceutical company in relation to **M&A transactions**



## Medical Devices

Advising a world-leading medical device manufacturer on the development of several products for use in **reproductive medicine**

Advising a world-leading medical device manufacturer on all **regulatory product issues**

Advising a large technology company and various start-ups in the **medical apps** field

Advising the European market leader of **laboratory diagnostics** in drafting and implementing its collaboration agreements with other service providers as well as its internal compliance programme

Advising medical devices associations in relation to social insurance **tariff agreements** and the reimbursement of costs by social insurance companies

Advising a **retailer** in relation to the purchase of medical devices and the implementation of its medical devices compliance programme

Advising a leading medical devices manufacturer on its **expansion strategy** in the Middle East, particularly with regard to contract and antitrust law

Advising a retailer and a major medical device manufacturer on **political initiatives** to amend laws and regulations

Advising and representing a medical devices distributor in the enforcement of **claims for damages** (loss of profit) against its supplier for temporary non-renewal of the CE conformity marking



### Biotechnology

Advising a world-leading pharmaceutical company and a clinic in the field of **reproductive medicine**, particularly with regard to egg donation, surrogacy, pre-implantation diagnosis and aneuploidy screening

Advising various pharmaceutical companies on the international procurement and use of **tissue samples and cells**

Advising and representing a medical service provider in administrative and administrative criminal proceedings in relation to **transplants and transplant products**

Advising a foreign company in trading **cord blood** (and tissue), particularly with regard to required authorisations and authorisation procedures

Advising a foreign blood centre on importing **blood plasma**, particularly with regard to the import contract and compliance with Swiss law

Advising various service providers in relation to **stem cell therapies** and therapies involving cell extracts



### Foodstuffs / Cosmetics / Chemicals

Advising a world-leading online retailer on importing **infant and follow-on formula** from the European Union into Switzerland

Advising and supporting various food companies on **retaking and recalling** of foodstuffs

Advising and representing food and cosmetics manufacturers in relation to administrative procedures for alleged violation of **customs regulations**

Advising numerous companies in relation to the Swiss marketing of foodstuffs and other consumer goods based on the **Cassis de Dijon** principle of legislation on technical barriers to trade

Advising and representing a world-leading cosmetics company in its appeal to the Federal Administrative Court against a Swiss **marketing ban** of certain foreign cosmetics

Advising a European manufacturer of **acne products** on differentiating its products from medicinal products and on health claims

Providing legal and strategic advice to an international speciality chemicals company on compliance with Swiss chemicals legislation in relation to the marketing of **special active ingredients**

# Expertise



## Hospitals / Clinics

Advising and representing hospitals and clinics in relation to the allocation to cantonal **hospital lists** and to the inter-cantonal hospital list of highly-specialised medicine (HSM)

Advising hospitals and clinics on negotiating and entering into **tariff agreements** (outpatient and inpatient) with social insurance companies

Advising and representing hospitals and clinics in sovereign **tariff setting procedures** and the associated appeal procedures, particularly in the areas of SwissDRG and TARMED

Advising and representing hospitals and clinics in relation to the lawfulness of accepting **monetary benefits** (discounts, kickbacks, contributions for further and continued education, sponsoring, etc.) and passing on benefits to social insurance companies

Advising hospitals and other service providers in relation to **refunds** due to a retrospective tariff adjustment or allegedly uneconomical treatment



## Physicians / HMOs

Advising physicians and other service providers on the design and implementation of their national and international **cooperation agreements**

Advising several Swiss physicians in the area of **professional law**, particularly advertising, monetary benefits and authorisations

Advising and representing foreign physicians in relation to the **recognition of foreign further education** for a Swiss specialist title

Advising a major dental chain in all areas of healthcare law, particularly in the area of authorisations and **protection of patient data** (stored in an overseas cloud)



## Laboratories / Other Service Providers

Providing comprehensive regulatory advice to the European market leader in the area of laboratory diagnostics, particularly with regard to **tariff** and other social security related issues

Providing comprehensive advice to an international fitness company on drawing up and implementing a worldwide **franchise concept**

Providing comprehensive advice and representation to a provider of laboratory diagnostic services on its **M&A transactions**

Advising a listed Australian laboratory and pharmaceutical company on the **takeover** of a major laboratory group in Switzerland



## Intellectual Property

We have an experienced team of specialists in the field of intellectual property who would be delighted to assist you.

# CMS Global





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**CMS locations:**

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