

A vital sector

Life Sciences & Healthcare

A vital sector



Borys Danevych

Co-Head of the CMS Life Sciences & Healthcare Group

T +380 44 391 3377

M +380 67 440 3503

E borys.danevych@cms-cmno.com



Sarah Hanson

Co-Head of the CMS Life Sciences & Healthcare Group

T +44 20 7367 2559

M +44 7843 068624

E sarah.hanson@cms-cmno.com



Roland Wiring

Co-Head of the CMS Life Sciences & Healthcare Group

T +49 40 37630 309

M +49 172 7422485

E roland.wiring@cms-hs.com

With big deals fuelling record levels of M&A activity, a steady stream of innovative and disruptive technologies, new and increasingly complex regulatory challenges and a thriving start-up community, life sciences and healthcare is one of today's most dynamic global sectors.

Transaction levels look set to stay steady. But, as larger companies look for new ways to create value and extend their offerings in line with environmental and social demands, major transactions are giving way to smaller, bolt-on deals.

New and emerging product areas attracting investment include cannabis, with a rising number of registered IP rights highlighting strong competition to establish and build markets. Retirement-related products and services offer a host of business opportunities. Changing lifestyles and consumer preferences are focusing biotech on developing alternative meat products.

A thriving start-up community now plays a key role, contributing new ideas, products and services across the sector – including leading-edge AI applications for new drug development.

Technology is driving ongoing innovation and disruption in many areas, including gene therapies and intelligent drug discovery and development. Products and services continue to evolve as demand builds for consumer wearables, telemedicine and an extended range of health apps.

While these developments enhance patient care and well-being, they also raise questions about digital data collection and ownership. Can companies maintain consumer trust?

Patent protection remains a key consideration for product development and commercialisation. In particular the biosimilar market is growing rapidly, driven by patent expirations of leading biologics.

The sector faces complex regulatory challenges. Regulation needs to keep pace with scientific advances – including technological changes in pharma and medical devices and the commercialisation of gene and cell therapies – as well as the economic, social and political factors.

If you would like to discuss these or any other developments, please get in touch. We would be delighted to talk about your interests and concerns.



Global solutions

In a highly regulated global sector that is constantly evolving, you need lawyers who truly understand your local and cross-border goals. CMS sector specialists deliver local legal and industry expertise with a global outlook,

where and when you need us. Our global life sciences & healthcare team offers you proactive support across Europe, Africa, the Middle East, South America and Asia-Pacific.



Full service plus

We are one of the few law firms who can advise you across the full spectrum of legal, regulatory and commercial issues affecting your business. Our services cover complex regulatory, product liability, competition, procurement, commercial and IP issues – including patent prosecution, EPO opposition and regulatory exclusivity product life extension. We can also advise on your disputes, M&A and financing.

Our team includes lawyers, scientists, patent attorneys and academics, and a number of our team have worked in-house. With such a complete team, we pay just as much attention to industry trends and the bigger picture, and what they mean for our clients as to the issues of today.



Committed to your future

It is only possible to prepare for the future when you truly understand the present. A key point of difference for CMS is its depth of understanding, and hence leadership, in the life science & healthcare sector. This deep knowledge creates the ability to anticipate further challenges, innovate and move quickly to meet them.

CMS helps you keep on top of key legal and regulatory issues. Many of our lawyers are active members of leading industry bodies,

including the Association of the British Healthcare Industries (ABHI), Association of the British Pharmaceutical Industry (ABPI), MedTech Europe and Bundesverband Medizintechnologie (BVMed). We bring you the latest news and insights into the developments impacting your industry and business, helping you to shape effective strategies and policies.



Case studies

Delivering cross-border sectoral expertise for high-value M&A deals

CMS advised Bruker on the multi-jurisdictional acquisition of ELITech, an In Vitro Diagnostics Systems Group.

The acquisition involved multiple locations across Europe, including Austria, France, Germany, Italy, Luxembourg, the Netherlands, Serbia, Turkiye, UK and Ukraine. CMS provided a dedicated team of over 80 lawyers, coordinated from Germany, to deliver medical device and cross-border expertise. Our advice covered all M&A aspects of the transaction, IVDR and other regulatory aspects, antitrust and FDI filings, the carve out of the clinical chemistry business and support on the employee consultation processes in France and the Netherlands.

Bruker Corporation has made significant investments over the last few months, which CMS has supported on, including the definitive agreement for the acquisition of Chemspeed Technologies AG, a Swiss provider of vendor-agnostic automated laboratory R&D and QC workflow solutions. In addition, the partnership with Swiss firm Biognosys AG to deliver advanced proteomics CRO services for US biopharma and biomarker customers.

Chambers & Partners



This firm bristles with the talent and experience necessary for a comprehensive life sciences practice, and excels accordingly. Core areas of strength include product liability and patent litigation, competition law, regulatory advice, commercial and corporate support.

Mapping the legal landscape for a medicinal cannabis start-up

CMS provided advice and guidance to a pioneering start-up on the legal framework for selling medicinal cannabis, produced in California, in multiple European countries. Our advice covered the cultivation, import, sale, supply and marketing of medicinal cannabis in EU jurisdictions including the Netherlands, Italy, UK, Belgium, France, Germany, Portugal and Spain.

CMS is a leading adviser to the medicinal cannabis industry, which has become a growth business in recent years. Our advice reflected the evolving political and ethical implications of the cannabis business and the different regulatory approaches being taken within the EU.

Legal 500



'A global powerhouse with deep expertise in the healthcare and life sciences sector', CMS earns a top position thanks to its genuine dedication to the field. Delivering 'strong knowledge of the applicable law', 'significant practical experience' and a 'consistently thorough approach'.



At a glance

» **#1** Healthcare UK (Scotland)
Legal 500



#1 Life Sciences and Healthcare:
Hungary, Scotland
Chambers & Partners



» **Advising:**



all of the top 20
global
pharmaceutical
companies



all of the top 10
global medical
device companies



health and social
care providers



world's largest biotechnology company



start-ups

»  **Public Legal Adviser of the Year**
Private Legal Adviser of the Year
*LaingBuisson Health & Social Care Awards
UK 2023*

 **Biotechnology, Food &
Healthcare sector (Gold)**
Chemistry & Pharma (Silver)
*FT Europe's Leading Patent Law
Firm 2022-2024*

 **Real Estate Team of the Year**
Legal Business Awards UK 2023

 **Lawyer of the Year for
Pharmaceuticals Law**
- Jens Wagner
Best Lawyers, 2023

 **Healthcare Law
Firm of the Year**
JuVe Germany 2019

 **Legal Advisor
– Independent**
*LaingBuisson Health &
Social Care Awards UK 2019, 2021*

 **Czech Republic
Deal of the Year**
CEE Legal Matters 2019

 **CEE Deal of the Year**
CEE Legal Matters, 2019

 **Lawyer of the Year -
Mauricio Gomez**
Legal 500 Mexico Awards 2023

480+ lawyers, patent attorneys,
scientists and academics globally

FOUNDED **LIFESCIENCES ASIA-PACIFIC NETWORK** WITH MEMBERS IN 12 JURISDICTIONS

Our track record



Growing healthcare businesses

ST Pharm Co. Ltd.

On the acquisition of a 70% stake in AnaPath Services, a Swiss contract laboratory services and histopathology company whilst simultaneously advising AnaPath Services on its 100% acquisition of Spanish contract research organisation, Envigo CRS involving the coordination of three jurisdictions.

Welltower, Inc.

On the USD 4.3bn acquisition of Sunrise Senior Living – Welltower's entry into the UK market. We subsequently advised on the acquisitions of over USD 500m of care home assets and the GBP 226m sale and leaseback of four acute care hospitals.

InstaDeep

On the sale of InstaDeep to BioNTech, at a value of approximately GBP362 million plus earn-out of up to approximately £200 million.



Litigation and product liability

Johnson & Johnson

On a successful infringement litigation case regarding imitations of medical devices across multiple jurisdictions, including Austria, the Netherlands, Slovenia, Germany, Belgium, Croatia, Italy and France.

A global US manufacturer

On defence against a threatened group litigation order by almost 30 claimants following a medical device alert concerning implantable devices.

A major international life sciences company

On multinational product liability coordination involving crop protection products across six jurisdictions.



Start-up and market entry

A leading multi-national pharmaceutical company

On all aspects relating to its entry to China, including corporate structuring, WFOE set-up, compliance, drug registration and importation, clinical trial requirements, data exclusivity and IP strategy and risk management and contractual documentation.

GW Pharmaceuticals

On regulatory advice to the UK biopharmaceutical company on the marketing of drugs containing psychotropic substances, covering issues including warehouse authorisations, reimbursement procedures and access to special marketing programmes for innovative drugs.

Echo

On the sale of Echo, a UK start-up whose app helps people manage their medication and order repeat prescriptions for delivery, to leading healthcare organisation McKesson, owner of LloydsPharmacy.



Patents and regulatory exclusivity

Eli Lilly

On representation before the European patent office in contested proceedings relating to CGPR monoclonal antibodies in pain treatments.

A Switzerland headquartered biopharmaceutical company focusing on oncology treatment

On their strategy of partnering with Chinese companies on commercialising and potential local manufacturing of their several products.

Boehringer Ingelheim

On healthcare advertising, competition law and regulatory advice covering several substantial matters.

Smart service delivery

Chambers & Partners



Solid across the full cycle of life sciences matters, with respected teams in Asia and a spread of offices across Europe. Well versed in regulatory, transactional, product liability and IP work.

The Life Sciences & Healthcare sector pushes boundaries, and so do we. Our clients benefit from bespoke CMS-developed tech as well as industry-standard AI. Here are just a few examples of how we use technology to deliver for clients.

AI delivering savings

Disputes often involve large volumes of documentation, and that's particularly true in a heavily regulated and IP-intensive sector such as life sciences & healthcare. Our CMS e-disclosure team, CMS Evidence, provides the latest e-disclosure tools to review, analyse and organise documents in a cost-effective way. It means that we can scope, budget and manage the entire disclosure process from start to finish, saving time and money. Due diligence, data and contract analysis can be time-consuming and complex. We use AI tools to review large swathes of information quickly and cost-effectively. The software enables us to cluster, compare, analyse and visualise data from multiple sources and search thousands of documents accurately.

Responding to investigations

So called dawn raids – unannounced inspections – are an established and increasingly frequent feature of the regulatory landscape. The CMS Dawn Raid app gives our clients instant, 24/7 access to CMS experts whenever the authorities come knocking. Developed in cooperation with our global anti-trust, competition and trade practice, the app includes jurisdiction-specific checklists and best practice guidelines. Download it from your app store.

Mobilising after data breach

Companies are rightly devoting more and more resources to cybersecurity, but most will still suffer a breach sometime. With brand reputation and customer trust at risk, as well as intellectual property and data privacy, the cost of data breaches and increasingly sophisticated cyberattacks is increasing.

A rapid response in the aftermath of a breach is critical.

CMS can help. Our Breach Assistant app helps you to understand the priority actions you should take when faced with a breach and you can contact CMS data breach response lawyers at the touch of a button.

Download the app from breachassistant.com

CMS Umbra

Our award winning, cutting-edge, AI-driven IP commercialisation tool (won the coveted "Most Innovative Use of Technology" award at The Lawyer Awards 2024). It is a first-to-market AI solution designed to help IP-rich clients – or businesses who invest in such companies – to commercialise and maximise the value of patent portfolios. Find out more [here](#).



Sharing with you

We keep a close eye on developments and trends in this ever-changing sector to offer you insights, commentary and perspectives across multiple channels.

DTx Legal Navigator



The DTx Legal Navigator provides practical guidance for 18 jurisdictions on how to comply with the legal boundaries in relation to placing a DTx on the respective market, promoting the DTx and getting paid for it. Visit [here](#).

Digital health apps and telemedicine



Digitisation is advancing steadily. Its pioneering innovations challenge all parties involved. Is the software a medical device? Who should be liable if the digital health app is wrong? How is the sensitive health data protected? What is the legal framework for telemedicine – the demand for which has grown significantly in the last year? This Expert Guide provides high level information on digital health apps and telemedicine in more than 20 jurisdictions. It offers comparison of the applicable laws, issues, regulatory aspects of the classification of digital health apps, data protection laws, as well as the legal framework for telemedicine. Visit [here](#).

A legal roadmap for Cannabis



The cannabis trade and related activity is a growth business. A growing number of patients now have access to medicinal cannabis, and its potential therapeutic value is gaining wider acceptance. Our guide provides high level information about the legal approach to regulating cannabis across multiple jurisdictions. Visit [here](#).

Advertising of Medicines and Medical Devices



The Expert Guide provides high level information on life sciences & healthcare advertising across multiple jurisdictions and offers a quick and simple understanding of the applicable laws. The Expert Guide covers, amongst others, different types of advertising, regulatory aspects as well as legal consequences of non-compliance. Visit [here](#).

Global Life Sciences & Healthcare Forum



Our annual forum attracts more than 100 guests, as they join industry experts and CMS lawyers to learn more on the key issues bringing innovation and disruption to their sector. To learn more about this year's forum, please get in touch with our Global Co-Heads or your key CMS contact.

On the Pulse series



On the Pulse brings together CMS lawyers and experts to discuss key industry topics impacting, innovating and disrupting the life sciences & healthcare sector. Spring series [here](#). Autumn series [here](#). Register for this year's series [here](#).

Keep in touch



Follow us on LinkedIn **CMS Life Sciences & Healthcare Sector** and WeChat (**CMSAsia**) for news and developments in the region and beyond.

Law-Now



You can subscribe to receive our updates and commentary on sector-specific news by email. Law-Now – our award-winning, customisable legal and business news portal – includes dedicated Life Sciences & Healthcare sections. Register at [here](#).

CMS

Staff

> 10,000

58% female

Lawyers

> 7,200

52,4% female



56 new
partners in 2024,
taking the total
to over
1,300 



19 Practice and Sector Groups
working across offices

offices



92

cities



87

countries



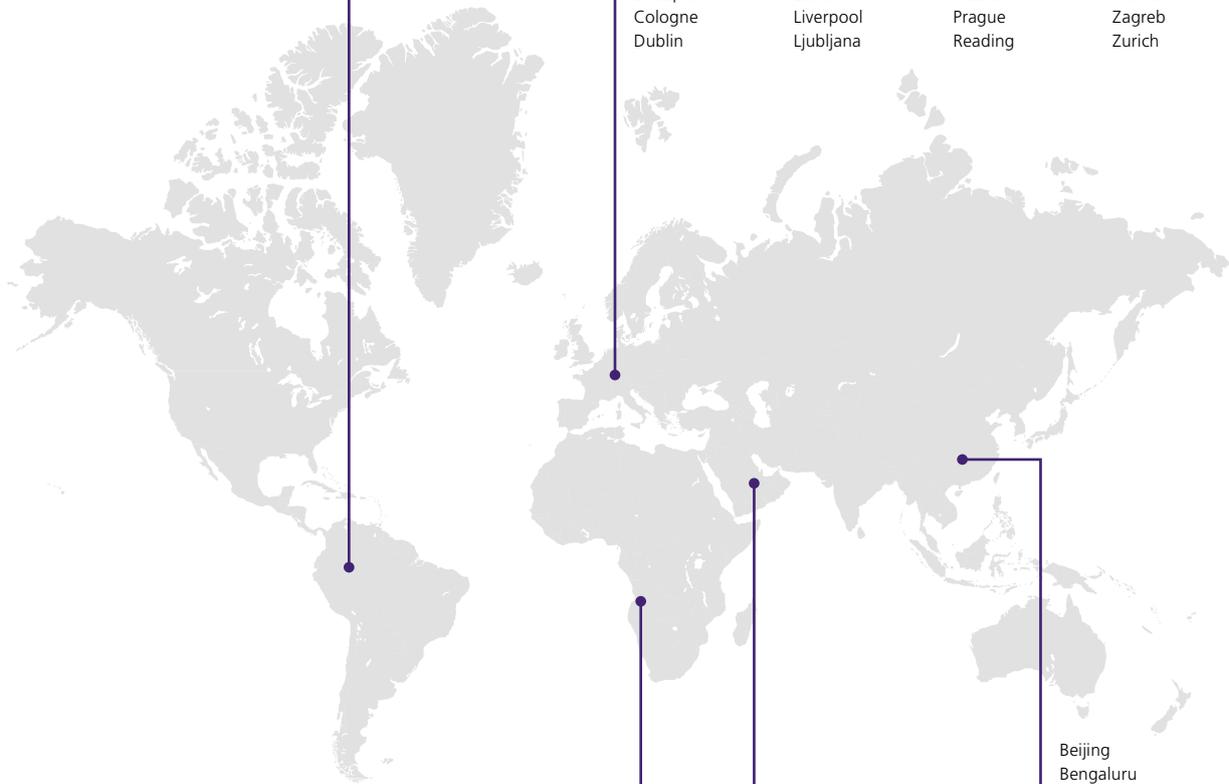
50

The Americas

Bogotá
Lima
Mexico City
Rio de Janeiro
Santiago de Chile
São Paulo
Silicon Valley*

Europe

Aberdeen	Duesseldorf	London	Rome
Amsterdam	Edinburgh	Luxembourg	Sarajevo
Antwerp	Frankfurt	Lyon	Sheffield
Barcelona	Funchal	Madrid	Skopje
Belgrade	Geneva	Manchester	Sofia
Bergen	Glasgow	Milan	Stavanger
Berlin	Gothenburg	Monaco	Stockholm
Bratislava	Hamburg	Munich	Strasbourg
Bristol	Istanbul	Oslo	Stuttgart
Brussels	Kyiv	Paris	Tirana
Bucharest	Leipzig	Podgorica	Vienna
Budapest	Lisbon	Poznan	Warsaw
Cologne	Liverpool	Prague	Zagreb
Dublin	Ljubljana	Reading	Zurich



Casablanca
Ebene
Johannesburg
Luanda
Maputo
Mombasa
Nairobi

Africa

Abu Dhabi
Dubai
Muscat
Riyadh
Tel Aviv

Middle East

Beijing
Bengaluru
Brisbane
Chennai
Gurugram
Hong Kong
Hyderabad
Mumbai
New Delhi
Shanghai
Singapore
Sydney

Asia-Pacific

*Representative Office

CMS Legal Updates subscription service

Sign up now for the free online email alert service delivering commentary, analyses and insights from CMS experts on the legal issues affecting your business, directly to your inbox.

cms.law/subscription

The information held in this publication is for general purposes and guidance only and does not purport to constitute legal or professional advice.

CMS is an international organisation of independent law firms (“CMS Member Firms”). CMS LTF Limited (CMS LTF) is a company limited by guarantee incorporated in England & Wales (no. 15367752) whose registered office is at Cannon Place, 78 Cannon Street, London EC4N 6AF United Kingdom. CMS LTF coordinates the CMS Member Firms. CMS LTF provides no client services. Such services are solely provided by CMS LTF’s CMS Member Firms in their respective jurisdictions. CMS LTF and each of its CMS Member Firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS LTF and each CMS Member Firm are liable only for their own acts or omissions and not those of each other. The brand name “CMS” and the term “firm” are used to refer to some or all of the CMS Member Firms or their offices; details can be found under “legal information” in the footer of cms.law.

CMS locations:

Aberdeen, Abu Dhabi, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Bengaluru, Bergen, Berlin, Bogotá, Bratislava, Brisbane, Bristol, Brussels, Bucharest, Budapest, Casablanca, Chennai, Cologne, Dubai, Dublin, Duesseldorf, Ebene, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Gothenburg, Gurugram, Hamburg, Hong Kong, Hyderabad, Istanbul, Johannesburg, Kyiv, Leipzig, Lima, Lisbon, Liverpool, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Maputo, Mexico City, Milan, Mombasa, Monaco, Mumbai, Munich, Muscat, Nairobi, New Delhi, Oslo, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, São Paulo, Sarajevo, Shanghai, Sheffield, Silicon Valley, Singapore, Skopje, Sofia, Stavanger, Stockholm, Strasbourg, Stuttgart, Sydney, Tel Aviv, Tirana, Vienna, Warsaw, Zagreb and Zurich.

Further information can be found at **cms.law**