

# FTC Finalizes Amendments to the Premerger Notification Rules Related to the Transfer of Exclusive Patent Rights in the Pharmaceutical Industry

November 7, 2013 | Client Update

The Federal Trade Commission (“**FTC**”) has [finalized amendments](#) to the Hart-Scott-Rodino (“**HSR**”) Premerger Notification Rules (the “**Rules**”) aimed at clarifying – and effectively expanding – the scope of transactions involving the transfer of rights to a patent in the pharmaceutical, biologics, and medicine manufacturing industries that may be subject to the notification and waiting period requirements of the HSR Act. The amendments *do not* alter the scope of transactions potentially reportable under the HSR Act in any other industry, including technology industries. Parties dealing with exclusive patent rights transfers in other industries should consult the Premerger Notification Office of the FTC (the “**PNO**”) on a case-by-case basis. These amendments were originally [published in a notice of proposed rulemaking](#) in August 2012, with public comments to the proposed Rules accepted until October 25, 2012. The final rulemaking notice was issued on November 6, 2013 and will be effective 30 days after the date of publication in the Federal Register, which should occur this week.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

**Arthur J. Burke**

+1 212 450 4352  
+1 650 752 2005  
arthur.burke@davispolk.com

**Ronan P. Harty**

+1 212 450 4870  
ronan.harty@davispolk.com

---

*This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.*

## **Related materials**

[Read the full update](#)