

# Intellectual Property in the Cannabis & Hemp Space

As cannabis and hemp cultivars and extracts proliferate, and the development and research become more sophisticated, protecting your plant intellectual property is increasingly critical.

The cannabis and hemp industries and the laws governing the space are rapidly evolving. In this dynamic and highly competitive space, protecting your plant varieties can provide a considerable advantage in the market. Dentons' biotechnology patent lawyers and agents can help you navigate this complex process. Our team is both highly credentialed—members have advanced degrees in biotechnology, plant pathology, biochemistry, molecular biology and genetic technologies—and has extensive experience preparing and prosecuting agricultural patent applications, including utility patent application, plant patent applications, and Plant Variety Protection applications. Our protection goes beyond patents as we provide cannabis cultivators and breeders with the full spectrum of IP services including trademark registration, where available, as well as portfolio management, IP enforcement and licensing.

Our team's experience in the plant IP space includes:

- Obtaining utility patents for new plant varieties
- Obtaining plant patents
- Obtaining Plant Variety Protection Act certificates
- Plant trademark application & maintenance
- IP assignment & license agreements
- Plant patent & trademark litigation

## Representative Cannabis and Plant Experience

- **Canopy Growth Corporation:** Representing the Canadian and global cannabis licensed producer in US patent prosecution of applications directed to genetically modified cannabis plants, methods of controlling cannabinoid synthesis, and methods of producing secondary compounds in cannabis.
- **Fire & Flower Inc.:** Representing the Canadian cannabis retailer on various trademark matters, including providing strategic advice, counsel, and help with the filing of trademark applications with the USPTO.
- **Bayer Crop Sciences:** Representing Bayer Crop Sciences and its legacy companies as its go-to patent counsel for over 15 years, we have prosecuted more than half of all its patents issued during that time. In the past year alone, we handled approximately 80 percent of all patents issued to Bayer Crop Sciences, managing their prosecution in approximately 40 countries. We also represent the company in filing reissue applications and in contentious matters involving key commercial applications, including *inter partes* reexaminations and other patent interference and opposition proceedings; applications for invalidity/non-infringement opinions; and numerous appeals in front of the PTAB. We also advise the company on the strategic management of patent

portfolios covering essentially all of Bayer Crop Sciences' key commercial products, representing billions of dollars in revenue.

- **Colorado State University Research Foundation:** Representing the foundation in numerous patent matters, including preparation and filing of US and international patent applications directed to methods and compositions for tracking vegetation, including cannabis.

## About Us

### Intellectual Property and Technology

With approximately 600 lawyers worldwide and more than 100 lawyers and non-legal professionals situated across 18 of Dentons' 37 US offices, the Intellectual Property and Technology practice offers a full range of IP services, including prosecution and/or registration of patent, trademark and copyright applications; portfolio maintenance, including renewal of IP rights; litigation and other IP enforcement, including anti-counterfeiting programs; asset valuation, including IP audits; and monetization, including patent, technology and brand litigation and licensing and formation of IP ventures.

Dentons' Patents group has exceptional experience across the full range of patent-related matters. Our US Patent Prosecution team consists of about 80 patent lawyers and agents, including over 70 USPTO registrants; more than 20 PhDs; and more than 50 members with advanced degrees and practical industrial experience in the patent-heavy fields of agriculture, biological sciences, electrical engineering, and computer science. We provide first-class service in patent preparation and prosecution services, IP licensing and technology transfer, patent litigation, opinions (patentability, right-to-use, non-infringement and validity) and corporate due diligence projects. We work in close collaboration with companies, inventors and research universities to secure rights in their work in the US and globally, and to prevent competitors from infringing on those rights.

Listed as Juristat's top patent prosecution law firm in Biotechnology and Organic Fields (2019)



### Cannabis

Few industries in the United States present more complex legal issues than the fast-growing cannabis and hemp industries. Representing clients in this environment requires an understanding and appreciation of the broad range of legal, regulatory, operational and financial considerations involved. Extensive experience representing stakeholders in the cannabis and other highly-regulated industries has provided Dentons' cannabis lawyers with precisely this understanding and appreciation.

The Dentons Cannabis Group has over 50 lawyers in ten of the larger states that have legalized medical cannabis, and we offer government relations in all 50 states. Globally, we work with Dentons lawyers in Canada, the European Union, Colombia, Mexico, the Caribbean and other emerging global markets.

The Group is multi-disciplinary, including best-in-class lawyers from all of the practices relevant to the cannabis and hemp industries. We address our clients' full spectrum of needs: strategic counselling and risk mitigation; compliance (cannabis regulations, FDA, IP, privacy, tax, employment, etc.); corporate/ transactional (formation, funding, lending, M&A, real estate, public listing, etc.); litigation; and public policy/advocacy.



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Ranked Band 1 for  
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Ranked Band 5 for  
**Intellectual Property, Texas**