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Prepared in partnership with:  
**INVENTA INTERNATIONAL**

**INTELLECTUAL PROPERTY**

# Coronavirus Digest no. 2 Patents and other intellectual property rights

The world is desperately seeking a vaccine and treatments against COVID-19 and the answer will also be found in intellectual property. For this reason, PLMJ and Inventa International have joined forces to prepare a Digest on these issues that is continuously updated. Readers of this Digest will have complete and up-to-date information on the crossover between the area of intellectual property and the challenges of COVID-19, especially regarding patents and utility models, as well as all the information on the path to obtaining a vaccine.

## 1. Patents

A statistical analysis shows that patents in the United States are being abandoned at an abnormal rate after the beginning of the pandemic, and the rate has tripled. The pandemic has particularly affected small businesses, which have gone from an abandonment rate of 11.7% to one of 31%. For more information, see the articles in : [BlueIron](#) and [Yahoo! Finance](#).

Various Japanese companies are willing to renounce patent protection for numerous inventions, particularly in health-related technological fields. The aim of the approach is to make technologies available for free use that can assist in research and the fight against COVID-19. For more information see [here](#). To access the project and check which patents are available and which companies are part of it see [here](#).

After the fall in patent applications in China due to the spread of the pandemic, the China National Intellectual Property Administration (CNIPA) conducted a survey and concluded that, despite everything, the number of patent applications in the first half of the year exceeded the 2019 numbers. By the date of the survey, 683,000 patent applications had been filed and this represents an increase of about 32,000 applications over the previous year. For more information: [here](#) and [here](#).

North Carolina Biotechnology Center registers the second accelerated patent to combat Coronavirus with microbicide nanomaterials. Kepley BioSystems has filed the second of two recent patents describing a new approach to the protective equipment used during the Coronavirus pandemic. This patent is for a method to permanently infuse a substrate with antimicrobial functional fullerenes. Kepley BioSystems had already applied for the first patent for a technology for an air sterilisation mask. For more information see [here](#) and [here](#).

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## 2. Provisional measures by national and international public institutes and new functions to assist in the field of patents

Indonesia has adjusted the guidelines on compulsory licences in preparation for a possible vaccine for COVID-19. Although the Indonesian government was already able to use compulsory licences, the new law allows for the extension of the scope of government use of patents in the public interest, in view of the research being carried out to discover a Coronavirus vaccine. The government can make use of compulsory licences in two situations: defence and security or urgent public need, the latter including patents relating to pharmaceuticals or biotechnology. For more information see [here](#).

The US Copyright Office extends its temporary measures. On 10 July 2020, the Office decided to extend the provisional measures it implemented in the context of the pandemic until 8 September 2020. These measures mainly concern time limits, payments, and notifications, so that applicants are not prejudiced by the current situation. For more information see [here](#).

The Intellectual Property Institute of Canada has issued new extensions to time limits. These were extended until August 10. All deadlines occurring from 16 March to 7 August have consequently been extended to 10 August. However, the extensions do not apply to all cases, so applicants and representatives should consult the Office's notifications for detailed information. For more information see [here](#) and [here](#).

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South Korean Intellectual Property Office and the Japan Patent Office cooperate with the European Patent Office. Showing solidarity in face of the damage caused by the Coronavirus pandemic, these offices have joined forces with various measures to make it easier to register patents, in particular, those relating to the vaccine to combat the disease caused by the virus. The cooperation ranges from extending deadlines to creating tools and programmes that allow easy access to current patent data, especially technology relating to the Coronavirus. For more information see [here](#) and [here](#).

In view of the economic downturn due to the pandemic, the UK Intellectual Property Office has decided to temporarily reduce its fees for patents, trademarks and designs. These fees will be in force from 30 July 2020 until 31 March 2021. For more information see [here](#).

### 3. Trade secrets

Compulsory licences gain prominence at a point in history when private interests are conflicting with the public interest. The Netherlands has implemented a policy of limited testing of COVID-19, partly due to shortages in laboratory materials. In addition, Roche was the only pharmaceutical company to hold the prescription for one of the test materials absent laboratories. This prescription was protected by a trade secret of the pharmaceutical company. The disclosure of the trade secret was questioned in Dutch society, as was the possibility of using a compulsory licence that would force the private company to disclose the secret in exchange for a monetary consideration imposed by the State. For more information see [here](#) and [here](#).

### 4. Vaccine for COVID-19

Russian spies are suspected of attacking organisations that are trying to develop the Coronavirus vaccine in the United Kingdom, the United States and Canada. The National Cyber Security Center (NCSC) in the United Kingdom said hackers "almost certainly" operated as "part of the Russian intelligence services". However, research for the vaccine was not hindered by this attack. Russia denies involvement. For more information see [here](#).

The non-governmental organisation Médecins Sans Frontières (MSF) issued a statement asking the various parties involved in the development and research of a solution to combat COVID-19 not to create market monopolies. In particular, it asked them to avoid possible patent applications, because such applications could condition and delay the fight against this pandemic. For more information see [here](#).

Moderna, a US biotechnology company, has lost the dispute against Arbutus, which filed a patent relating to the same technology that Moderna is using in its research for the COVID-19 vaccine. Having been considered new, this could delay Moderna's research for the vaccine because the technology is not exclusive to it. For more information see [here](#). ■

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