



03 DEC. 20

Prepared in partnership with:  
**INVENTA INTERNATIONAL**

**INTELLECTUAL PROPERTY**

# Coronavirus Digest no. 6 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.

**"A group of developing countries, led by South Africa and India, will press the World Trade Organization to release COVID-19 vaccines from patent protections."**

### 1. Patents

This week, Pfizer and BioNTech announced that their COVID-19 vaccine results using RNA technology had exceeded expectations. Last month, Moderna Therapeutics, one of the world leaders in the race to produce a vaccine using the same technology, stated that "(...) we will not apply our COVID-19-related patents against those who are manufacturing vaccines to fight the pandemic (...)". Read more at [ipwatchdog.com](http://ipwatchdog.com)

Islamabad, Pakistan - A group of developing countries, led by South Africa and India, will press the World Trade Organization to release COVID-19 vaccines from patent protections, so they can be more affordable for poor countries. Read more at [www.wsj.com](http://www.wsj.com)

The U.S. Food and Drug Administration is considering granting an exclusive licence for a government patent for new equipment to detect COVID-19. Read more at [bloomberglaw.com](http://bloomberglaw.com)

Working from home will last longer than the pandemic - at least that is what US patent applications suggest. The blockages triggered by the COVID-19 pandemic have led to a significant shift in new patent applications regarding technologies that support remote working. Read more at [chicagobooth.edu](http://chicagobooth.edu)

Next year, Pfizer and its German biotech partner, BioNTech, will make around £9.8 billion from the new vaccine which offers 90% protection against COVID-19. Nick Dearden of Global Justice Now is calling for the suspension of patents on this vaccine as they will grant exclusive manufacturing rights, giving pharmaceutical companies the free will to charge whatever the market is willing to pay, and they will prevent more affordable generic versions from being created. Read more at [theguardian.com](http://theguardian.com)

Reacting to reports that the first trials of phase three of Pfizer's COVID-19 vaccine were 90% successful, Heidi Chow of Global Justice Now said: "It is positive news that Pfizer may have found an effective vaccine against COVID-19, but for now, it will only be for the few. We need governments to step in and make it available to the many - including by suspending patent rights". Read more at [yubanet.com](http://yubanet.com)

**"The blockages triggered by the COVID-19 pandemic have led to a significant shift in new patent applications regarding technologies that support remote working."**

Given the current pandemic, patent protection of pharmaceutical and biological compositions and the launch of generic products is increasingly a topic for discussion, particularly in developing countries. Read more at [lexology.com](http://lexology.com)

Tiziana Life Sciences PLC (a biotechnology company) has obtained a US patent on the methods and use of anti-IL-6/IL-6 monoclonal antibodies in COVID-19 and in other lung diseases. Read more at [morningstar.co.uk](http://morningstar.co.uk)

Despite a lack of authorisation from the patent holder, the Russian drug manufacturer Pharmasintez is seeking to produce a generic version of the drug against COVID-19 that was used to treat Donald Trump. Read more at [reuters.com](http://reuters.com)

A dispute over a key technology used in Moderna's highly anticipated COVID-19 vaccine came to a head in July when Arbutus Biopharma fended off a claim by the vaccine maker. The patent clash over the technology could hamper the biotech company's ability to price the vaccine competitively and affect its margins versus those of other companies developing Coronavirus vaccines. Read more at [nature.com](http://nature.com)

**"The patent clash over the technology could hamper the biotech company's ability to price the vaccine competitively."**

## 2. Vaccine for COVID-19

Senior members of the management team at Moderna have hailed the news that a COVID-19 vaccine developed by the company shows 95% efficacy. However, there are IP shadows hanging over the company's ability monetise the breakthrough. Read more at [iam-media.com](http://iam-media.com)

**"More than four dozen potential COVID-19 vaccines are undergoing human clinical trials, according to the World Health Organization."**

The Pfizer and BioNTech laboratories have achieved promising initial results for the efficacy of the COVID-19 vaccine, with the US, EU and UK governments rushing to pre-book hundreds of millions of doses. However, intellectual property rights limit production of and access to the same vaccine, with the result that the vaccines remain beyond the reach of most poorer countries. Read more at [hrw.org](http://hrw.org)

More than four dozen potential COVID-19 vaccines are undergoing human clinical trials, according to the World Health Organization (WHO). A recent review by Duke University revealed that the United States, the European Union and the United Kingdom have already confirmed purchases for 3.8 billion doses and a further 5 billion doses were under negotiation or had been booked by the end of October. How will the poorest countries get a fair chance? Read more at [aljazeera.com](http://aljazeera.com)

According to Russian news agencies, the country's President Vladimir Putin has announced that Russia is about to register its third Coronavirus vaccine,

He also said that Moscow was ready to cooperate with all other countries on vaccines, but warned against "politicising" the process. Read more at [cnbc.com](http://cnbc.com)

**"The Medicines Patent Pool is working with 18 major generic companies to accelerate access to COVID-19 treatments for low- and middle-income countries."**

The World Health Organization (WHO) has supported the proposal by India and South Africa to the World Trade Organization to relax intellectual property agreements that could pose a challenge to obtaining access to COVID-19 vaccines. Read more at [economictimes.indiatimes.com](https://economictimes.indiatimes.com)

The Oxford and AstraZeneca vaccine has been shown to be capable of achieving 90% efficacy, although this varies (between 62% and 90%) depending on the dosage administered. Read more at [publico.pt](https://publico.pt)

### **3. Drugs for the treatment of COVID-19**

The Medicines Patent Pool, a United Nations-backed agency aimed at expanding access to medicines, is working with 18 major generic companies to accelerate access to COVID-19 treatments for low- and middle-income countries. Read more at [pharmacist.com](https://pharmacist.com)

### **4. Intellectual Property Institutes**

The European Patent Office is closely following developments in the COVID-19 outbreak. It has therefore published two Notifications of 1 May 2020 and 27 May 2020 concerning the disruptions due to the COVID-19 outbreak. These Notices draw attention to the legal remedies provided under the European Patent Convention (EPC) and the Patent Cooperation Treaty (PCT) in cases of non-compliance with the deadlines. Read more at [www.epo.org](https://www.epo.org) ■

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