

Searching for Transparency: Patent Information in Practice

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- Patent Information Resources
- Methodologies for Searching
- Freedom to Operate
- Policy
- Improving Patent Transparency and Access to Medicines



Patent Information Resources

Increased digitalisation of patents = more transparency?

- Gaps in information
- How the information is provided/diffused



Methodologies for Searching

- US FDA Orange Book and Health Canada
- Keyword, chemical names, citations, applicant, classification *etc*



Methodologies for Searching

Limitations:

- Orange Book/Health Canada: processes, metabolites, intermediates, different chemical forms e.g. salts, esters, enantiomers (Canada), biologicals (US), granted patents, products only approved/sold in US/Canada
- Keyword/citations/chemical names: obfuscation by applicants, irrelevant or limited citations



'Freedom' to Operate

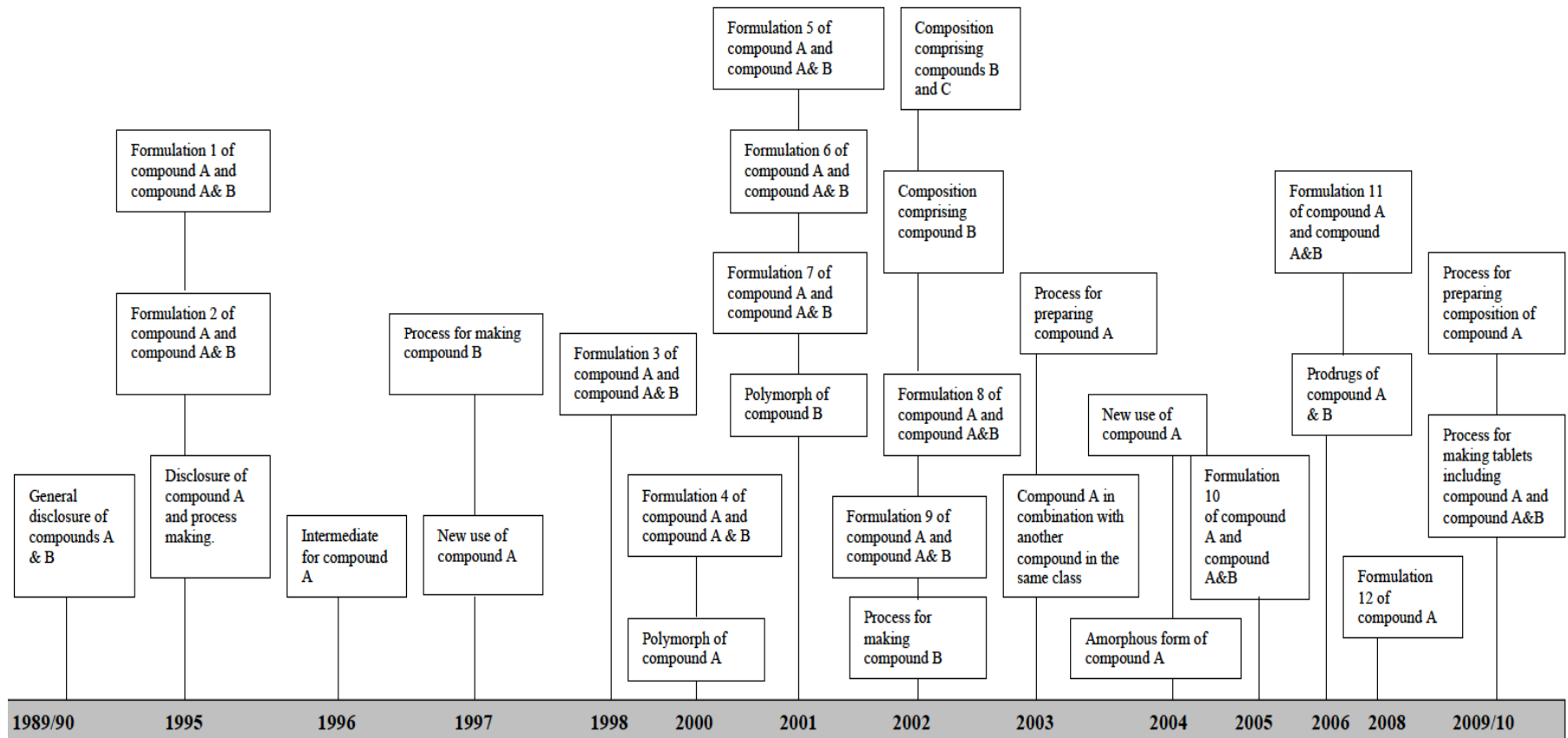
Transaction Costs

- Patent searches and information (legal status, expiry, renewal data)
- Translations
- Claims analysis (different rules of claim construction in countries), broad claims
- Continuation/divisional applications (e.g India), patent term extensions
- Patent thickets
- Litigation



'Freedom' to Operate

Snapshot of Timeline for Patents on ARV Compounds A & B in the name of X



Policy

TRIPS flexibilities:

- Voluntary and compulsory licenses/government use;
- Patentability standards and patent quality

Measuring Innovation/R&D and technology transfer:

- Counting or reading patents?
- Patenting strategies of companies



Improving Transparency & Access to Medicines

- Start diffusing real patent information e.g. provide automatically updated list of patents for active ingredients as owned by different companies.
- Presenting patent landscapes with actual patent information that can be used in practice and built upon by others
- Need to start reading patents instead of just counting in order to have an evidence based understanding of innovation/R&D, technology transfer and patent policies
- Changing the pedagogy in IP education for developing countries (and include civil society actors)

