



# **Review of Existing Research on Patents and Access to Medical Products and Health Technologies**

Standing Committee on the Law of Patents (SCP)  
Thirty-first Session (December 2 to 5, 2019)

Presentation by the Secretariat

# SCP/31/5

At SCP/29 and SCP/30, the Committee agreed that:

- The Secretariat would submit at SCP/31 a review of existing research on patents and access to medical products and health technologies, as contained in document SCP/28/9 Rev.
  - Document SCP/28/9 Rev. is a proposal by the Delegations of Argentina, Brazil, Canada and Switzerland to conduct such a review
  
- Annex I to document SCP/31/5 contains such a review of research

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- As agreed, the review was conducted in accordance with the proposal contained in document SCP/28/9 Rev.:
  - WHO and WTO Secretariats are consulted
  - Includes studies prepared by:
    - WIPO, WHO and WTO as well as other relevant IGOs
    - External researchers commissioned by these organizations
    - Peer-reviewed academic research

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- As mandated by the Committee, the search focused on the following topics:
  - The relationship between patents and other related issues and the affordability and availability of medical products and health technologies;
  - The role of the patent system, including patent quality mechanisms, in incentivizing and promoting the development of new medicines and health technologies to address the global disease burden, facilitating access to medical products and health technologies, and ensuring the supply of quality products;
  - The role of the intellectual property system in fostering knowledge spillovers and technology transfer in the medical products and health technologies sector;
  - The role of compulsory and voluntary licensing mechanisms and patent pools in facilitating the affordability and availability of medical products and health technologies; and
  - The availability of essential medicines in countries where those medicines are not under patent, taking into consideration the variety of other factors both on the supply and demand side that affect availability and affordability.

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- The review covered work produced over the time period of 2005 to 2018
- Each study was summarized to provide factual synopsis of the analysis, key conclusions and recommendations of the author(s)
- The list of studies included in the review is presented in Annex II to document SCP/31/5
  
- IGOs - search was conducted on publications made by, *inter alia*, European Union, UNCTAD, UNAIDS, OECD, UNDP, ICTSD and South Centre
- More than 80 peer-reviewed journals searched
- All identified peer-reviewed academic studies on the mandated topics are included in the review - no quality assessment of the contents is made

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- The review does not include working documents, drafts, blogs, commentaries and opinion pieces, etc.
- Different number of studies have been identified in relation to each of the mandated topics
- Structure of the document:
  - I. Studies prepared by WIPO, the WHO, the WTO and other relevant intergovernmental organizations, including studies prepared by external researchers commissioned by these organizations;
  - II. Peer-reviewed academic research (economic literature); and
  - III. Peer-reviewed academic research (legal and general literature).
- Subsections are indicative.

Thank you.