

Standing Committee on the Law of Patents

Twenty-Eighth Session
Geneva, July 9 to 12, 2018

**REVISED PROPOSAL BY THE DELEGATIONS OF ARGENTINA, BRAZIL, CHILE
AND SWITZERLAND**

Document prepared by the Secretariat

1. The Annex to this document contains a revised proposal submitted by the Delegations of Argentina, Brazil, Chile and Switzerland asking for a regular update on publicly accessible databases of patent status information concerning medicines and vaccines, for consideration under item 7 of the draft agenda: Patents and health.

2. *The members of the Standing Committee on the Law of Patents (SCP) are invited to consider the contents of the Annex.*

[Annex follows]

REVISED PROPOSAL REGARDING A REGULAR UPDATE ON PUBLICLY ACCESSIBLE
DATABASES OF PATENT STATUS INFORMATION CONCERNING
MEDICINES AND VACCINES

Introduction

1. Access to relevant and comprehensive patent information promotes the public disclosure of innovation and encourages the dissemination of technical knowledge. It helps to determine the freedom to operate (i.e. the freedom for further innovation or use of the invention without infringing a patent), or to identify sources for licensing an invention.
2. In the area of medicines and vaccines, access to information regarding patent and license status supports health authorities and procurement bodies in making informed and lawful decisions on the manufacturing, purchase, licensing or import of a drug or vaccine. Thus, access to relevant and comprehensive patent information promotes access to medicines and vaccines.
3. Obtaining relevant and comprehensive patent information on medicines and vaccines can be difficult, particularly in low and middle-income countries. The underlying reasons for this include the lack of online searchable databases or online access to specifications and claims of a patent; the necessity to search the patent status of a certain drug in each individual country of interest; or the highly technical language of patent specifications.
4. New instruments have been established to identify public patent information related to medicines and vaccines in order to facilitate the patent search for procurement bodies and health authorities. For example, the Medicines Patent Pool (MPP)¹ has developed the patents and license database MedsPaL that provides information regarding the patent and license status of selected HIV, hepatitis C, tuberculosis and other patented medicines of the WHO Model List of Essential Medicines (WHO EML) in multiple low-and middle-income countries. During the 27th session of the SCP, the MPP presented the MedsPaL database by explaining its content, search options and the challenges involved in maintaining and updating it. Another initiative is the new partnership of WIPO and the research based pharmaceutical industry, namely, the Patent Information Initiative for Medicines (Pat-IFORMED). It provides a tool for determining the existence of patents worldwide relevant to medicines for HIV, hepatitis C, oncology, cardiovascular, diabetes and respiratory therapy areas, as well as any further product on the WHO EML. In addition, a mechanism will be established to facilitate follow on enquiries of procurement agencies regarding the patent status of products of interest².
5. These initiatives correspond to a real need for freely accessible and easily searchable (online) databases and information of patent status concerning medicines and vaccines.

¹ The MPP is a public health organization founded (in 2010) and funded by Unitaid. It provides a voluntary licensing and patent pooling mechanism in the area of public health. For further information, see the website of the MPP at <https://medicinespatentpool.org/>.

² For further information, see the joint press release of WIPO and IFPMA at http://www.wipo.int/pressroom/en/articles/2017/article_0010.html and IFPMA communication at <https://patentlyo.com/media/2017/10/Pat-INFORMED-backgrounder-FINAL.pdf> .

Work program

6. We propose to invite representatives of initiatives on publicly accessible databases of patent status information concerning medicines and vaccines for an update on the advances in the aforementioned information platforms at each session.

7. We invite Member States to discuss and approve which initiatives would be invited to provide updates on the advances of their information platforms for the upcoming session. This process starts from the 30th session of the SCP.

8. An update would allow Member States to engage in a constructive discussion on patent information on medicines and vaccines and on the ongoing work in this area. It would also allow Member States to learn about the solutions proposed and to exchange views with the initiatives, such as the MedsPal and Pat-INFORMED and others on possible options to improve their resources and tools.

9. After a period of four SCP Sessions, starting from the 31st SCP session, Member States will review the proposal on the update and decide whether to extend it.

[End of Annex and of document]