

## Standing Committee on the Law of Patents

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

PROPOSAL BY THE DELEGATIONS OF ARGENTINA, BRAZIL AND SWITZERLAND

*Document prepared by the Secretariat*

1. The Annex to this document contains a proposal submitted by the Delegations of Argentina, Brazil 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]

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. The Medicines Patent Pool (MPP)<sup>1</sup> 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 27<sup>th</sup> 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 interest<sup>2</sup>.
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.

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<sup>1</sup> 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/>.

<sup>2</sup> For further information, see the joint press release of WIPO and IFPMA at [http://www.wipo.int/pressroom/en/articles/2017/article\\_0010.html](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 that Member States request the WIPO Secretariat to invite representatives of the MPP and Pat-INFORMED for a regular yearly update during the winter session of the SCP on the advances in the aforementioned information platforms.
7. A regular 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 MPP and Pat-INFORMED on possible options to improve their resources and tools.
8. We propose that the Secretariat invites the MPP and Pat-INFORMED representatives to the twenty-ninth session of the SCP.
9. We invite Member States to discuss and approve similar initiatives related to databases and information of patent status. These initiatives could be included in the yearly update on the advances of their information platforms.
10. After a period of four years, Member States will review the proposal on the regular update and decide whether to extend it.

[End of Annex and of document]