WEBINAR

PATENTS AND PHARMACEUTICALS

World Intellectual Property Day

Friday, 26th April 2019 | 02:00-03:00 PM IST

Under a market-based system, it is well established that the private sector is uniquely dependent on patent protection in order to generate pharmaceutical innovation. This is because, in the absence of legal barriers to entry, price will soon drop to marginal cost and result in the classic public goods dilemma of under-investment in pharmaceutical R&D. However, patent protection lasts for 20 years from the date of application and market exclusivity for a typical patented medicine could range from 8-12 years (US studies). If a medicine is the only or even the best treatment for a disease condition, patent protection may become an obstacle to affordable access, especially in less developed countries where health insurance or other coverage to access such medicines is non-existent or very poor. How can society square this circle? Many have suggested the use of TRIPS flexibilities, including compulsory licences; others suggest differential or tiered pricing; yet others suggest new R&D models that delink costs from prices. The expert will discuss the pros and cons of each of these options.

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ABOUT THE SPEAKER:

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Ms. Watal is Counsellor in the Intellectual Property Division of the World Trade Organization from February 2001, where she has dealt with negotiations on TRIPS and public health. She has more than twenty two years of experience in government in India, of which ten years was devoted to policy, diplomacy, research and administration on intellectual property rights, including representing India in the TRIPS negotiations. She has researched and published on issues related to intellectual property rights, including a book Intellectual Property Rights in the WTO and Developing Countries (Oxford University Press, India and Kluwer Law International, 2001).

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