

PATENT LAWS GOVERNING HIV/AIDS DRUGS

On Saturday 21 Apr 2007 students working on articles for MJoTA were invited on campus to hear Dr James Demers talk about patent law as it applies to HIV/AIDS drugs.

Dr Demers trained first as a chemist, with a PhD in Chemistry from MIT, and after gaining some patents for his inventions became interested in law, and trained as a lawyer. He now is an international patent lawyer in New York City, and graciously gave up his Saturday morning to put on a suit and tie and drive 90 miles south to Philadelphia to talk to us on invitation of Mike Rudman MD, adjunct associate professor of Biomedical Writing.

MJoTA is in the process of putting together a documentary on malaria and the African pharmaceutical and healthcare industries; and as part of this effort our film-maker and adjunct assistant professor of Biomedical Writing, Osagie Egoro-Ighalo MSc, MS, MS came to Philadelphia from his production studios outside Washington DC and filmed the proceedings.

Dr Demers started by defining a patent, which he told us is the right to exclude others from commercializing an invention. Patents are granted to the inventor (in the United States) or to the owner (outside the United States), to the first person who invents (in the United States) or to the first inventor to file (outside the United States). Patents are granted for a limited time, usually 20 years by national governments only in the country where granted.

U.S. Constitution, Article I, Section 8: "The Congress shall have power to ... promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Dr Demers described the situation with antiretroviral drugs with a timeline:

PHARMACEUTICAL PATENTS AND THE DEVELOPING WORLD

UNIV SCIENCES IN PHILADELPHIA

21 APR 2007

**SPEAKER: JAMES P. DEMERS PHD, JD
THELEN REID BROWN RAYSMAN &
STEINER LLP**

900 THIRD AVENUE, NY, NY 10022

-2003: World Trade Organization encouraged only compulsory licensing of HIV/AIDS drugs

-2004: Canada passes law authorizing generic versions of patented drugs for export:

Diseases: HIV/AIDS, tuberculosis, malaria
Limited list of products
Patent owner can sue if priced higher
India, Korea, Norway followed
EU and US likely to follow

-2005: World Trade Organization amends TRIPS to authorize such laws

-2005: World Trade Organization endorses compulsory licensing of flu drugs

-2007: Abbott cuts price of lopinavir+ritonavir (boosted antiretroviral protease inhibitor therapy) 50% after Thailand breaks patent.

Reported by SJ Dodgson PhD



Left, Angus Dodgson Pekala MS. Middle, Mike Rudman MD, James P Demers PhD, JD. Right, Osagie Egoro-Ighalo MSc, MS.