Issues with Patent terms

What is the issue?

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Extending pharmaceutical patents could adversely affect access to medicines.

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What is a patent?

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- A patent is an exclusive right granted for an invention which is new, useful, and non-obvious.
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- IP protections incentivise individuals for their creativity and public disclosure of technical information, which aid the promotion of new knowledge and increased innovation.
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- Patents are now granted for inventions across technologies from kitchenware to biologics each having the same term of protection.
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- The protection grants the applicant a right to exclude others for a 20-year period—the length of a patent.
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- After this period, it enters the public domain and can then be accessed and used by anyone.
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What are the issues with Patent term across the globe?

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- The common term of protection that applies to all technologies regardless of the pace of technological development came from a provision of the TRIPS agreement.
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- The present 20-year patent term was mandated by the TRIPS agreement
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- Information technology and electronics are ever-changing, granting 20-year protection for this sector does not make sense.
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- There is a need for technology specific patent term and differential period of protection across different industries.
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What will be the impact of term extension of patents?

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- The term of a patent is a maximum time period during which it is valid and can be enforced.
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- The longer the patent term, the greater the exclusivity for the invention.
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- The greater the time taken for the technology covered by the patent to enter the public domain, thereby creating a technological lock-in.
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- Good example was Mickey Mouse, an artistic work was lobbied from falling into the public domain, resulted in the extension of copyright term of 95 years from first publication or 120 years from creation.
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What is the status pharmaceutical Patents of India?

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- India had a five- to seven-year patent term for pharmaceuticals before becoming a member of the WTO.
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- The generic pharmaceutical companies in India that manufacture patented drugs after the expiry of the patent term.
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- India negotiates the RCEP for extension of patent term for Pharmaceuticals.
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- This can change the intellectual property (IP) landscape of its member countries.

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- India’s strength is that, it is a world-class supplier of affordable generic medicines, granting a longer term for patents will result in delays in the entry of generic versions.
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- Any extension of the patent term will adversely affect access to the cheaper medicines that they manufacture.
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Source: Live Mint

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