

Patent Filing and Enforcement

To safeguard the time and resources invested in researching, developing, and bringing a new product to market, Pfizer actively evaluates its patenting and enforcement strategy in all markets to ensure continued innovation and access. By utilizing regional and local patent infrastructure to facilitate filing, Pfizer is demonstrating its support of the systems being put in place by both developed and developing countries, and we are playing a positive role in promoting capacity building which in the long run stimulates local innovation and provides socio-economic benefits to a region and individual countries.

Background

Patents, a form of intellectual property, give innovators the opportunity to benefit from a limited period of market exclusivity for their own inventions. More specifically, a patent is a right of exclusion; it does not grant an innovator the right to sell and market its product or prevent competitors from marketing their own similar products, provided that those products do not infringe the innovator's patent rights—but rather, a patent owner has the right to exclude others from making, using, selling, offering to sell, or importing the patented invention during the term of the patent. More importantly, patents encourage competition by requiring that innovators publicly disclose information about their products in return for patent protection. The actual period of market exclusivity for a patented pharmaceutical product or process is much shorter than the standard patent term of 20 years¹, much of which is consumed by research and development and the regulatory approval process.

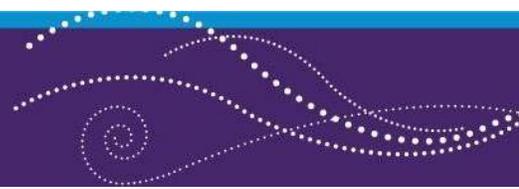
Patents are available for inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application.² Patents are territorial rights and therefore the exclusive rights are only applicable in the country or region in which a patent has been filed and granted, in accordance with the law of that country or region. Some countries require the payment of maintenance fees to maintain a granted patent in force. Companies take many factors into consideration when deciding if it should file a patent and whether to maintain a granted patent.

Once a patent is granted, it can be enforced in a court on the initiative of the right owner. In most systems, a court of law has the authority to address patent infringement. However, monitoring, identifying, and taking action against infringers of a patent is the responsibility of the patent owner. A company will take many factors into consideration when determining its enforcement strategy.

Key Facts and Figures

- IP rights can directly stimulate local innovation as well as indirectly by stimulating the transfer of technologies that foster local innovation.³
- Sectors that rely on IPR represent a significant part of developed and developing economies, in terms of GDP, employment, tax revenues and strategic importance. IPR also promotes foreign direct investment (FDI) and technology transfer in developed and developing countries.⁴
- The 2017 Global Innovation Index indicates that, “Among policy measures to encourage innovation, governments can establish intellectual property rights (IPR) and maintain the institutions that enable these rights to be used and enforced.”⁵
- Programs supported by the World Intellectual Property Organization (WIPO)—the global forum for IP services, policy, and information—highlight the need for continued use of the patent system to support national innovation goals and contribute to economic growth.⁶
- The African Regional IP Organization (ARIPO) Director General, Fernando Dos Santos, has expressed his desire to have countries use the patent system, stating, “If you are thinking of investing in Africa, consider ARIPO.”⁷ During the 39th Session of ARIPO Administrative Council, Member States noted that “intellectual property has evolved into a strategic policy instrument for stimulating





economic growth and securing sustainable development. Increasingly, economic trends indicate that a nation's ability to generate wealth and protect its cultural heritage depends on its adoption and use of the intellectual property system.”⁸

Pfizer's Position

To safeguard the time and resources invested in researching, developing, and bringing a new product to market, Pfizer actively evaluates its patenting strategy in all markets to ensure continued innovation and access. The company also conducts systematic reviews of its existing patent portfolio to determine a patent's therapeutic value and to determine whether a patent should be abandoned or maintained. By using regional and local patent infrastructure, Pfizer is demonstrating its support of the systems being put in place by both developed and developing countries, and we are playing a positive role in promoting capacity building in IP, which in the long run stimulates local innovation and provides economic benefits to a region and individual countries.

We further demonstrate our commitment to advancing developing country patent systems by supporting programs such as the [Inventor Assistance Program](#) (IAP), an initiative of the World Intellectual Property Organization in cooperation with the World Economic Forum. The IAP matches developing country inventors and small businesses with limited financial means with patent attorneys, who provide pro bono legal assistance to secure patent protection. Ensuring that as many people as possible have the opportunity to turn great ideas into reality through the patent system is an important part of creating a thriving society that will help move a country to the next stage of development.

Enforcement of patent rights is driven by numerous factors particular to each case. In least developed countries (LDCs), enforcement can be a means to further our goal of ensuring patient access to a supply of Pfizer innovative medicines that are safe and effective. Pfizer has only taken action in LDCs in a few isolated cases.

How Patients, Health Care Professionals and the Health Care System Benefit

Our patent filing and enforcement decisions are grounded in our belief that IP protection for biopharmaceutical products advances patient access to medical advances which ultimately leads to better public health globally.

What It Means for Pfizer

Pfizer is committed to improving patient health and well-being at every stage of life. Meaningful patent protection worldwide is vital as it encourages medical progress and further investment in the discovery and development of newer and more effective medicines and vaccines that address unmet medical needs of patients.

¹ The World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) came into force in 1995 and introduced global minimum standards for protecting and enforcing IP rights. Article 33 of the TRIPS Agreement requires WTO Members to provide protection for a minimum term of 20 years from the filing date of a patent application for any invention including for a pharmaceutical product or process.

² Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), Article 27.1.

³ Park, W.G. and D.C. Lippoldt (2008), “Technology Transfer and the Economic Implications of the Strengthening of Intellectual Property Rights in Developing Countries,” OECD *Trade Policy Working Papers*, No. 62, OECD Publishing.

⁴ Dixon, Allen, *Intellectual Property: Powerhouse for Innovation and Economic Growth*, International Chamber of Commerce (2011).

⁵ Cornell University, INSEAD, and WIPO (2017): *The Global Innovation Index 2017: Innovation Feeding the World*, Tenth Ed., pg. 155

⁶ See WIPO Inventor Assistance Program, <http://www.wipo.int/iap/en/>

⁷ Managing Intellectual Property, Daily News, May 7, 2013, available at www.managingip.com/pdfs/inta/04_INTA_Dallas_Tue.pdf

⁸ Hillary Muheebwa, ARIPO Continues to Build Member State IP Capacities, IP Watch (Feb. 12, 2015), available at www.ip-watch.org/2015/12/02/aripo-continues-to-build-member-state-ip-capacities/

