Intellectual Property Rights and the Life Science Industries

Past,
Present
and
Future

2nd Edition

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G r a h a m D u t f i e l d

University of Leeds, UK

World Scientific

NEW JERSEY • LONDON • SINGAPORE • BEIJING • SHANGHAI • HONG KONG • TAIPEI • CHENNAI

Published by

World Scientific Publishing Co. Pte. Ltd.

5 Toh Tuck Link, Singapore 596224

USA office: 27 Warren Street, Suite 401-402, Hackensack, NJ 07601

UK office: 57 Shelton Street, Covent Garden, London WC2H 9HE

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

INTELLECTUAL PROPERTY RIGHTS AND THE LIFE SCIENCE INDUSTRIES Past, Present and Future (2nd Edition)

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ISBN-13 978-981-283-227-6

ISBN-10 981-283-227-0

Typeset by Stallion Press

Email: enquiries@stallionpress.com

Printed in Singapore.

For My Parents, Henry and Sylvia Dutfield

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List of Acronyms

AIPPI	Association Internationale pour le Protection de la Propriété Industrielle (International Association for the Protection of Industrial Property)
ASA	Acetylsalicylic acid
CAFC	Court of Appeals for the Federal Circuit
CBD	Convention on Biological Diversity
cDNA	Complementary (or copy) DNA
CGRFA	Commission on Genetic Resources for Food and Agriculture of the FAO
COP	Conference of the Parties to the Convention on Biological Diversity
CRC	Cancer Research Campaign
DNA	Deoxyribonucleic acid
EFPIA	European Federation of Pharmaceutical Industries and Associations
EPC	European Patent Convention
EPO	European Patent Office, <i>also</i> Erythropoietin
ESTs	Expressed sequence tags
FAO	Food and Agriculture Organization of the United Nations
FDA	Food and Drug Administration
FICPI	Fédération Internationale des Conseils en Propriété Industrielle (International Federation of Industrial Property Attorneys)
GATT	General Agreement on Tariffs and Trade
GPIA	Generic Pharmaceutical Industrial Association
hES	Human embryonic stem (cell)
ICR	Institute of Cancer Research

IGC	Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (of WIPO)
IP	Intellectual property
IPO	Initial public offering
ITC	International Trade Commission
IUCN	International Union for the Conservation of Nature and Natural Resources
JPO	Japan Patent Office
MAb	Monoclonal antibody
MRC	Medical Research Council
NBE	New biological entity
NCE	New chemical entity
NCI	National Cancer Institute
NGO	Non-governmental organization
NHS	National Health Service
NIH	National Institutes of Health
NRDC	National Research Development Corporation
NSAID	Non-steroidal anti-inflammatory drug
PAS	Para-amino salicylic acid
PCR	Polymerase chain reaction
PhRMA	Pharmaceutical Research and Manufacturers of America
PLT	Patent Law Treaty
PMA	Pharmaceutical Manufacturers Association (former name of PhRMA)
rDNA	Recombinant DNA
RNA	Ribonucleic acid
SCP	Standing Committee on the Law of Patents (of WIPO)
SPC	Supplementary protection certificate
SPLT	Substantive Patent Law Treaty
TBA	Technical Board of Appeal (of the European Patent Office)
TRIPS	Agreement on Trade-related Aspects of Intellectual Property Rights
UNCTAD	United Nations Conference on Trade and Development

UPOV	Union Internationale pour la Protection des Obtentions Végétales (International Union for the Protection of New Varieties of Plants)
USPTO	United States Patent and Trademark Office
USTR	Office of the United States Trade Representative
WARF	Wisconsin Alumni Research Foundation
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

Note

In this book, branded drugs are named with the initial letter capitalised. In the case of unbranded generics, the names are entirely lower case. This may cause occasional confusion. For example, in some jurisdictions ‘Aspirin’ is still protected as a trade mark, whereas elsewhere ‘aspirin’ is a generic word that anybody can use in commerce. With respect to trade marks, we follow European and British practice of spelling it as two words except when the text is on the United States, where ‘trade mark’ is ‘trademark’ (as it also is in the TRIPS Agreement). On the other hand, I eschew the nowadays common practice of using the ‘TM’ symbol (except in direct quotes) since, like unnecessary road signage, it is a form of visual clutter and is best reserved for marketing literature.

There needs no verse to beavtifie thy praise
Or keepe in memory thy spotless name
Religion, vertve, & thy skil did raise
A threefold pillar to thy lasting fame
Though poisons envye ever sought to blame,
Or hyde the frivts of thy intention
Yet shall all they commend that high desygne
Of purest gold to make a medicine
That feele thy helpe by that thy pure invention

This is a tribute to one Francis Anthony Doctor in Physick carved on a stone in the North Aisle of the Priory Church of St Bartholomew the Great at Smithfield, London. Coincidentally, his year of death, 1623, saw the passage of one of the first ever patent laws, the Statute of Monopolies.