

How pharma firms stretch their patents

The Times of India (New Delhi edition) · 17 Sep 2017

Medicines are a big business, and a highly profitable one at that, but the key to maintaining super profits is to keep your patents alive for as long as possible. Leading pharma companies do it in a number of fair and unfair ways, an article in Statnews points out.

One, when a patent is set to expire, hit your rivals with suits to delay the release of generics. You will have to compensate them later, but the profits are worth it.

Two, before your patent expires, tweak the formula a bit and launch a new product with a new patent while pulling out the older version. The market will get used to your new product and the generics will have a hard time.

Three, if you make something like the EpiPen, regularly complicate matters with minor patented changes. Your rivals will never be able to copy it.

Four, if you are in biotech, as against plain ‘molecule’ drugs, patent, patent, patent. “Humira, the world’s best-selling drug, is also perhaps its most patented, with more than 100 claims attached to it. That’s because AbbVie, Humira’s inventor, just keeps filing them. Patents covering how it’s made, how it’s dosed, how it works in specific diseases — all form a thicket of legal protection around the \$16 billion product, which was first approved way back in 2002.”

The last way is the most outrageous and, hopefully, will be impracticable in India. When an eye drug’s patent was about to expire, its maker sold its intellectual property to a native American tribe that has sovereignty in the US. By doing this it made its patents immune to certain types of legal challenges.