



An Academic Dialogue on:

The Political Economy of Pharmaceutical Patent Examination: Argentina in Comparative Perspective



Overview

In implementing their new obligation under the WTO's TRIPS agreement to grant patents on pharmaceutical products, developing countries are widely advised by many academics, civil society groups, and international organizations to include measures that minimize the granting of "secondary" patents, i.e. patents that cover alternative structural forms of known molecules, revised formulations and compositions, or new medical uses. At the same time, such proposals are regularly criticized by the transnational pharmaceutical industry as unfair limitations on their abilities to obtain patents, and by the US government as violating the spirit – if not the letter – of TRIPS. For all the hopes and fears about what effects such measures may have, little empirical work exists to consider the effects of national efforts to minimize secondary patents.

Prof. Ken Shadlen will present research on the case of Argentina, which introduced a set of revised examination guidelines in 2012 which subject applications for secondary patents to more rigorous analysis. Considering all pharmaceutical patent applications filed in Argentina from 2000-2020, distinguishing between applications for "primary" and "secondary" patents and whether the patent office's decision was made before and after the new guidelines entered into effect, the data demonstrate the effectiveness of the 2012 guidelines; they work. But why? Supplementing the data analysis, the paper reports on fieldwork in Argentina to shed light on important political economy dimensions of pharmaceutical patent examination in Argentina, allowing us to understand why the examination guidelines are effective and why, despite more than a decade of legal and political pressures, they have persisted.

Details

When: 8 May 2024, 3 - 4:30 pm

Where: International Environment House II, 7-9 chemin de Balexert, 1219 Vernier (or via Zoom)

Link: [https://us06web.zoom.us/j/88943080923?](https://us06web.zoom.us/j/88943080923?pwd=RgR4ziqa6bLYfWp0dHvr1g4C6eT7rp.1)

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Bio

Ken Shadlen is Professor of Development Studies in the Department of International Development of the London School of Economics and Political Science (LSE). Ken works on the global and cross-national politics of intellectual property. He is the author of *Coalitions and Compliance: The Political Economy of Pharmaceutical Patents in Latin America* (2017) and multiple articles on the globalization of pharmaceutical patenting from the 1990s to the present. He has conducted extensive research on the functioning of patent offices, analysing national differences in pharmaceutical patent examination practices and outcomes. He is currently investigating cross-national variation in the promotion and regulation of "generic" drugs, the impact of pharmaceutical patenting in developing countries, and the political economy of licensing and technology transfer for production of therapeutics and vaccines.