

27 October 2022



Rigorous empirical  
research on  
intellectual property

# IP Waiver in pandemic times

Host: Dr. Claudia Tapia, President of 4iP Council

Presenters:

- Prof. Christoph Ann, TUM
- Melissa Brand, Radius Health, Inc.
- Prof. Adam Mossoff, George Mason University
- Paola Dabbicco, KPMG



# What do we do?



Non-Profit Activities



High Quality Academic Research



Education



Promote Innovative SMEs



# Free materials on...



Summaries of papers,  
studies, guides and  
case law



Interactive graphics



Interviews  
to inspire SMEs



Webinars

# For SMEs:

# European Court Decisions:



Which types of intellectual property do you need?

Filter table columns

	PATENTS	COPYRIGHTS	DESIGNS	TRADEMARKS	TRADE SECRETS
What do they protect?	All inventions: a new and inventive way of doing something or solving a technical problem. See also: <a href="#">PATENTS</a>	Any work of original intellectual creation. See also: <a href="#">COPYRIGHTS</a>	Any new and original visual appearance of a product. See also: <a href="#">DESIGNS</a>	Any sign capable of distinguishing goods or services. See also: <a href="#">TRADEMARKS</a>	Any confidential information having commercial value. See also: <a href="#">TRADE SECRETS</a>
Examples of what is protected	Inventive products and processes in all areas of business. For example: pharmaceuticals, machinery, chemical processes, software, etc. See also: <a href="#">PATENTS</a>	Audio-visual works, literary, dramatic, musical, artistic, scientific, technical, etc. See also: <a href="#">COPYRIGHTS</a>	Product designs, logos, symbols, computer icons, etc. See also: <a href="#">DESIGNS</a>	Words, letters, sounds, images, etc. See also: <a href="#">TRADEMARKS</a>	Secrets, formulas, etc. See also: <a href="#">TRADE SECRETS</a>
How are my rights protected?	Prevents unauthorised making, using or selling of the patented invention. See also: <a href="#">PATENTS</a>	Prevents the work being copied, reproduced, adapted, distributed or made available online. See also: <a href="#">COPYRIGHTS</a>	Prevents unauthorised use of all elements or certain visual appearance for the same kind of products and/or services. See also: <a href="#">DESIGNS</a>	Prevents others from using the trademark without the holder's permission. See also: <a href="#">TRADEMARKS</a>	Prevents others from disclosing the secret. See also: <a href="#">TRADE SECRETS</a>
How long is my innovation protected?	Up to 20 years.	Life of the author + 70 years after death (depending on the country).	Up to 25 years for registered designs.	Up to 10 years for trademarks, but can be renewed.	As long as the information remains confidential.
Do I have to register it?	Yes, filing an application to a patent office is required. More on patent applications in: <a href="#">PATENTS</a>	No, copyright protection arises automatically with its creation. See also: <a href="#">COPYRIGHTS</a>	Yes, but it is highly advisable to register designs. More on design rights in: <a href="#">DESIGNS</a>	Yes, filing an application to a trademark office is required. More on trademark applications in: <a href="#">TRADEMARKS</a>	No, but it is highly advisable to register trade secrets. More on trade secrets in: <a href="#">TRADE SECRETS</a>



**2 - NEGOTIATING**

**3 - FUNDING**

**4 - STRATEGIC VALUE**

Explore how patents add value with our [interactive guide](#).

**3 - COLLABORATION**

**4 - FUNDING**

Explore the benefits of copyright with our [interactive guide](#).

**4 REASONS 4 TRADEMARKS**

- 1 - DIFFERENTIATION
- 2 - PROTECTION
- 3 - REPUTATION
- 4 - REVENUE

Explore the benefits of trademarks with our [interactive guide](#).

**4 REASONS 4 DESIGN RIGHTS**

- 1 - EXCLUSIVITY
- 2 - COMMERCIALISATION
- 3 - REPUTATION
- 4 - VALUE

Explore the benefits of design rights with our [interactive guide](#).

## Case Law post CJEU ruling *Huawei v ZTE*

[Back to main 4IP Council site](#)



4IP Council home Case law home CJEU decisions German court decisions Dutch court decisions English court decisions French court decisions Irish court decisions Italian court decisions Romanian court decisions National Courts Guidance Authors & contributors

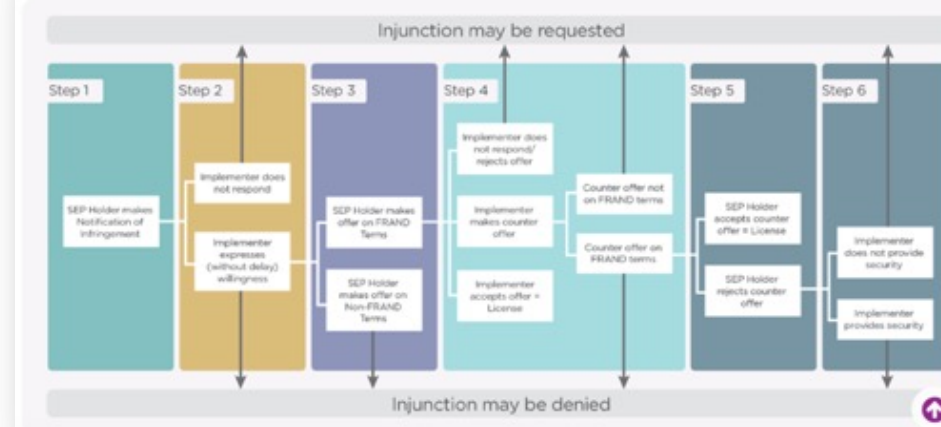
## National Courts Guidance

### Negotiating Licenses for Essential Patents in Europe

Increased clarity provided on the principles established by the Court of Justice of the European Union in *Huawei v ZTE*.

The Court of Justice of the European Union clarified, in *Huawei v ZTE* (Case No. C-170/13), European law relating to the availability of injunctive relief for infringements of FRAND-based standard essential patents. In doing so, the Court provided a legal framework focused on the good faith conduct to be expected of both parties. Since

### Huawei v ZTE process



[www.4ipcouncil.com](http://www.4ipcouncil.com)

# IP Waiver in pandemic times



**Prof. Adam Mossoff**  
George Mason University



**Prof. Dr. Christoph Ann**  
TUM School of Management



**Melissa Brand**  
Radius Health

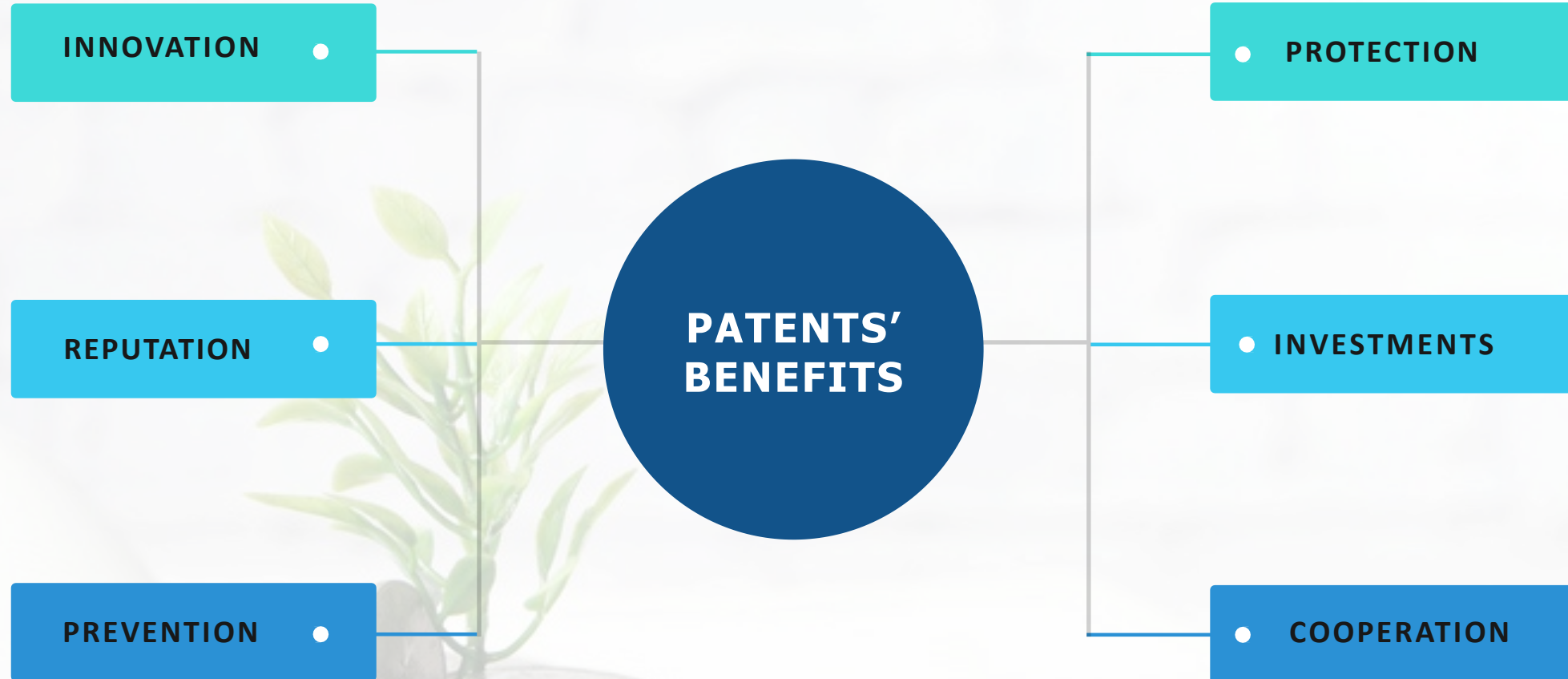


**Paola Dabbicco**  
KPMG

# INTELLECTUAL PROPERTY RIGHTS







# PATENTS IN PHARMACEUTICAL INDUSTRY

## R&D Investments

- Public
- Private





# COVID VACCINES: UNPRECEDENT SUCCESS



# CRITICS



**BARRIER TO AFFORDABILITY**



**NO RAPID DISCLOSURE**

## REAL CHALLENGES



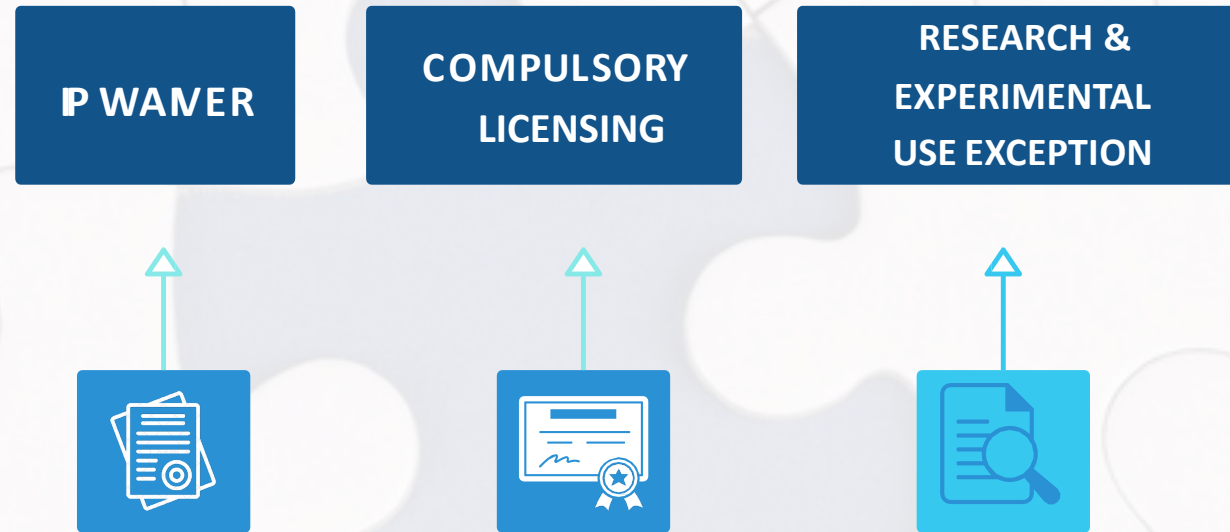
**EXPORT BANS**



**UNDERESTIMATION**



**NO LARGE-SCALE MANUFACTURING**



## PROPOSED SOLUTIONS

**R&D  
INVESTMENTS**

**POLITICS**

**UNIFIED  
RESPONSE**

**SUPPLY LINES &  
FACILITIES**



1  
3

**PROPOSALS**

# LAST UPDATES



**14 BILLION COVID VACCINE  
DOSES**



**TRIPS WAVIER**



**GLOBAL COLLABORATION**



**CONTINUOUS RESEARCH**



# Thank You!

## Q&A

Forthcoming Webinar:

Date	Title	Summary
27-10-2022	The Rise of Cryptoassets and NFTs and its Implications for Copyright Law	<p>In this webinar, you will learn about:</p> <ul style="list-style-type: none"><li>• the latest developments relating to cryptoassets and NFTs;</li><li>• whether NFTs are recognised as a type of 'property';</li><li>• whether NFTs can be 'exhausted'?</li><li>• ownership issues surrounding NFTs;</li><li>• the role of marketplaces and their liability;</li><li>• whether Brexit and blockchain opens new opportunities for this emerging technology; and</li><li>• recommendations for the future</li></ul>

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[www.4ipcouncil.com/events](http://www.4ipcouncil.com/events)