



INTERNATIONAL GENERIC AND
BIOSIMILAR MEDICINES ASSOCIATION

IGBA Statement on the hosting of the IFPMA Pat-INFORMED database by WIPO

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Since September 2018 the World Intellectual Property Organization (WIPO) has hosted the International Federation of Pharmaceutical Manufacturers & Associations (IFPMA) patent database **Pat-INFORMED**ⁱ on its website. This database is simply a posting of **unverified patent information provided directly by originator pharmaceutical companies**. WIPO specifically exempts itself and IFPMA member companies from any and all liability for the provision of false or inaccurate informationⁱⁱ.

The Patent Information Initiative for Medicines (Pat-INFORMED) purports to provide *“a service to the global health community, particularly those involved in procurement of medicines, by facilitating easy access to medicine patent information.”* But this data is not reliable for procurement purposes as it is supplied and verified by the very originator companies that stand to profit from perceived patent uncertainties. At the very least, Pat-INFORMED directs procurement authorities to contact IFPMA member companies to verify the patent information posted on the WIPO website and, under a cloud of patent uncertainty, provides originator pharmaceutical companies with the potential opportunity to negotiate directly with authorities, limiting generic companies from an opportunity to compete and provide affordable medicines to countries that need them the most.

Conflict of interest

WIPO’s mandate is to promote the protection of intellectual property throughout the world through the cooperation of its Member States – it is not to promote unverified patent information provided directly by pharmaceutical companies. While the International Generic and Biosimilar Medicines Association (IGBA) has raised conflict of interest concerns with WIPO’s International Bureau, these concerns have not been recognized or acknowledged by WIPO to date. By continuing to host the database of IFPMA member companies, WIPO sacrifices its credibility and weakens its independence.

Accountability

The Pat-INFORMED database includes an exceptionally strong disclaimer in the terms of use and the limitations of liability of Pat-INFORMED, whereby WIPO, IFPMA and originator companies accept no liability for the accuracy of the information contained in the database. Despite this, WIPO remains accountable for the decision to partner with IFPMA and its pharmaceutical companies, for the promotion of their unverified patent information, and for not providing a mechanism to ensure the accuracy of the information provided, as well as for not including the necessary safeguards to limit misuses or abuses of the Pat-INFORMED system.

The 2016 United Nations Secretary General’s **High-Level Panel on Access to Medicines** final reportⁱⁱⁱ stipulates that *“**Governments** should establish and maintain publicly accessible databases with patent information status and data on medicines and vaccines. **This information should be periodically updated and consolidated by WIPO in collaboration with stakeholders to develop an international, easily searchable database** which should include: (1) standard international common names for biological*

About IGBA

The International Generic and Biosimilar medicines Association (IGBA) strengthens cooperation between associations representing manufacturers of generic and biosimilar medicines from around the world. The IGBA is at the forefront of preserving sustainable competition within our industry, by stimulating competitiveness and innovation in the pharmaceutical sector; thereby, ensuring millions of patients around the world have access to high quality, pro-competitive medicines. For more details, regarding IGBA and its member associations, see the IGBA website at: www.igbamedicines.org.



products; (2) international non-proprietary names for products, either as known at the time of application or after the granting of a patent; and (3) dates of grant and expiry”. Pat-INFORMED does not represent a response to this recommendation of the High-Level Panel on Access to Medicines as it completely ignores the requirement for the involvements of Governments in the initiative. Further, the High-Level Panel on Access to Medicines in no way recommended that the patent information be contained in a publicly available database containing information provided by originator pharmaceutical companies. Instead, the recommendation stipulates that the information would be provided by Governments.

IGBA welcomes initiatives helping to navigate the maze of patent information but given the potential negative impact of Pat-INFORMED on pharmaceutical competition, procurement and public health, we believe WIPO should revoke its support for this initiative and advise IFPMA to limit the hosting of its database to its own industry-sponsored website where it belongs.

ⁱ <https://wipo.int/pat-informed/en/>

ⁱⁱ https://www.wipo.int/patinformed/documents/pat_informed_terms_of_use.pdf

ⁱⁱⁱ <http://www.unsgaccessmeds.org/final-report>