
Kluwer Patent Blog

Global Patent Strategy over Vaccine Nationalism

Roya Ghafele (OxFirst) · Wednesday, June 3rd, 2020

Emerging Vaccine Nationalism

‘Vaccine nationalism’ could slow the search for a cure for Covid19. [1] The nationalism that prevails in the fight for a Covid19 vaccine is not only overshadowed by the geopolitical tensions between the United States and China, but also by individual nations seeking to find a cure on their own. In the UK the government bets on a collaboration between Oxford University and the British Pharmaceutical Company Astra Zeneca. Germany backs BioNTech, China focuses on Fosun Pharma and the US support Pfizer. In this race, nations also cautiously prevent take overs of firms in their countries by firms in other countries.

While I remain fairly indifferent when nations compete against each other to conquer space, I doubt that nationalism is the best innovation strategy to find a cure for Covid19. That the first man on the moon was American and not Chinese or Russian had no larger impact on humanity. In this global crisis situation however, working in silos and without adequate international linkages is simply not the best strategy to find a cure for Covid19.

Global Patent Strategy

The solution to finding a cure is inherently intertwined with an international patent strategy. Patents protect inventions and as such are core to any search for a cure. To succeed in this endeavour fast and efficiently patents need to be managed under an Open Innovation paradigm.

Open innovation is one of the most successful innovation strategies of our times. Useful knowledge, so the argument, is widely diffused, so that no company or country has a monopoly on knowledge in their field. At the same time, the quality of work at small companies, universities, and non-profit institutions is increasingly high. So, instead of inventing it all by oneself, one can innovate effectively by accessing excellent work from outside. Opening up research processes to external sources accelerates time to market, fills technical gaps in internal R&D and helps reduce costs of innovation. The underlying principles is quite simple. Given enough eye balls, all bugs are shallow.

Looking at a cure for Covid19 under an Open Innovation paradigm rather than the prism of nationalism opens up new opportunities to manage research consortia and clusters across nations. In such a promising international eco system, patents can play a prominent role. Rather than serve as an instrument of segregation, patents managed with Open Innovation in mind bear the potential to speed up direly needed innovation process for a cure.

The Need to Establish Patent Clusters

In an Open Innovation eco system patents can become instruments of exchange and allow for the creation of pools, aggregators and larger knowledge clusters. They can also give way to cross licences and tech transfer arrangements.

While patent aggregators and pools have proven to be successful in the telecommunications sector, they can also be instrumental in bringing new technologies to market faster. The underlying cluster approach helps to aggregate otherwise disperse IP and, in this way, allows to bridge scattered knowledge islands created by research silos. A good example of such an approach are the pharmaceutical research clusters between Oxford, Cambridge and big Pharmaceutical companies. Such pharmaceutical clusters can look back at a track record of success. Clusters like these need to be expanded, nurtured and further developed.

Take Away

While approaching patents under an Open Innovation paradigm can speed up the search for a cure, patent nationalism risks having the opposite effect. Unfortunately, patents lend themselves well to nationalism. Patents are territorially limited rights in an invention that can only take up international character with the support of WIPO's Patent Cooperation Treaty. As such, they are not intrinsically structured to promote borderless innovation strategies.

However, the adequate management of IP relies not on the technical features of the patent tool itself, but on a smart patent strategy. As such, weary patent managers should explore how to cluster, group and aggregate patents in the spirit of Open Innovation. This promises higher chances of innovation success than research nationalism.

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[1] Why vaccine 'nationalism could slow coronavirus fight.'
<https://www.ft.com/content/6d542894-6483-446c-87b0-96c65e89bb2c>

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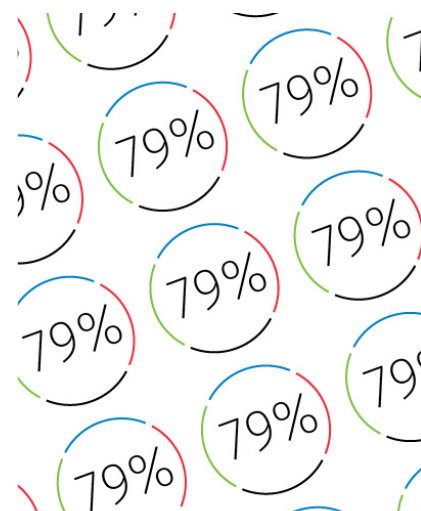
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