
Kluwer Patent Blog

Compulsory Licensing Patent Law Series

Lisa L. Mueller (Casimir Jones S.C.) · Monday, May 3rd, 2021

A patent owner has the right to exclude others from practicing its hard-earned patent. Typically, this exclusion covers actions such as making, using, selling, offering for sale, or importing the patented invention. In many jurisdictions, the patent owner has a legal obligation to work its invention in exchange for this exclusive monopoly. However, under certain circumstances, a patent owner may be obligated to grant a compulsory license (e.g., a non-exclusive license) to allow a third party to work the patent without the patent owner's consent, in exchange for good and valuable consideration.

This multi-part series will examine a slice of the global compulsory licensing landscape, including a look at the following countries: Argentina, Australia, Brazil, Canada, Germany, India, Indonesia, Japan, Mexico, New Zealand, Philippines, Russia, Saudi Arabia, Singapore, South Africa, Thailand and the United States.

The contributing authors to this series are all recent law school graduates with backgrounds in intellectual property from law schools across the U.S. They are: Neemesh Chheda, Somto Kizor, Liat Martinez, Saloni Mathur, Anantaa Saxena and Radhi Shah. Lisa Mueller, with over 25 years' experience in life sciences IP and a shareholder at Casimir, Jones in Madison, Wisconsin, served as recruiter, coordinator, and editor for this extensive look at this critical topic. Many thanks to Veronica Canton from the American Bar Association for her assistance in supporting this project.

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