

How to manage intellectual property risk

Assessing IP risk amid potential for compulsory licensing and potential for counterfeiting

- Particularly for companies in the medical or pharmaceutical fields, do you hold IP rights in particular patents (applications) for antiviral drugs potentially suitable for the treatment of COVID-19?
- Are you developing vaccines that are funded/ supported by governmental authorities? Have you reviewed your rights and obligations under publicly funded projects and agreed on clear contractual terms to protect your investment?
- Have you assessed whether your IP rights are potentially exposed to compulsory licences (eg antiviral drugs)?
- How are you monitoring COVID-19-related policy proposals?
- How are you monitoring information on COVID-19 on your platform?
- How are you monitoring counterfeiting risks?
- How are you monitoring your deadlines for IP applications/renewals? Have you assessed whether critical applications/renewals need to be taken in the immediate future? Have you assessed whether extensions of deadlines are possible?
- Do you have an enforcement strategy in place regarding cross-contamination with counterfeit goods in the supply chain (eg test purchases) that is tailored to the product and the legal remedies available in the relevant jurisdictions?