

Intellectual property rights and global pandemic: a patent law perspective

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COVID-19 Global Pandemic has rapidly made countries, governments and policy makers rethink and change their standards, policy decisions in order to adjust with the unpredictable phenomenon. Intellectual Property Rights (IPR) and intellectual property policies are not an exception to this. While IPR promotes research and development, technological development and transfer of technology, it also inspires individual rights, non-competition in the market place and monopoly rights that would hinder some human rights such as the right of health, healthcare and food. In response to the rapid expansion of the pandemic, there are moves from many developed countries who are the owners of many IPR, Patent Offices, research institutions and research universities to go for waivers of IPR and soften the procedure adopted for patent granting. The US Government's announcement that it would support the temporary waivers of IP rights relating to COVID-19 medicinal products including vaccination, the US Patent and Trademarks Office's (USPTO) decision to prioritize patent examination for COVID related inventions for a nominal fee, the move of some IPR owners to grant free licenses to manufacture vaccines and other COVID related products, and universities and research institutions coming forward to collaborate with industries in curbing the COVID-19 Pandemic are few among them.

However, these moves are subjected to many criticisms from IPR perspectives. It is argued that IP protection should not liberalize but should introduce a massive drive of technology transfer and capacity expansion. This paper analyzes how this global situation and new trends in IPR would affect the Sri Lankan IP law and recommends that Sri Lanka should look forward to promoting technology transfer while softening its IPR laws for COVID related inventions.

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