



Know IP - Stockholm Network Monthly Bulletin on IPRS

Commentary

Oxfam is an Honourable Organisation or the Unbearable Ease of Half-Truths – Helen Disney and Dr Meir P. Pugatch *

The debate on IPRs, health, and access to medicines is not a new one (in fact it has existed since the mid 1970s). It is a legitimate debate in which both supporters and critics of the IP system have valid points, arguments and concerns. And, when the debate is carried out in a serious and professional manner (i.e. backed by facts) it can certainly be a fascinating, as well as productive, one. As a supporter of the IP system, Know-IP can certainly appreciate the value of the 'opposition'.

Yet this is not the case in Oxfam's recent report: *Patents vs. Patients: Five years after the Doha Declaration* (November 2006).¹ In fact, the report provides a powerful example of how the facts are bent and manipulated (well beyond the 'acceptable' margin of error) to support Oxfam's overall anti IPR message.

Our first instinct was to try to rebut the report - fact by fact. But it turned out that there are too many arguments to comprehensively rebut within these short pages. We therefore thought it would be illustrative to analyse some of the non-facts in the Oxfam report using the brilliant text of Shakespeare's "Brutus is an honourable man" speech from *Julius Caesar*.²

So here we go:

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¹. Oxfam Briefing Paper No. 95 (November 2006) http://www.oxfam.org/en/policy/briefingpapers/bp95_patentsvspatients_061114

². William Shakespeare, *Julius Caesar* Act 3, Scene 2,

Friends, colleagues, critics, lend us your ears. We come to defend the pharmaceutical IP system, not to worship it.

The noble Oxfam tell us that "intellectual property rules create monopolies for medicines sold by multinational pharmaceutical companies, keeping inexpensive, generic medicines, which can reduce the cost of medicine in a sustainable way, off the market."

Never mind that without patents about 65% of the medicines would not have been available in the market³, and that the innovative-generic cycle is crucial to the development of and access to medicines (this fact is admitted by both research-based and generic based companies). But who cares about the chicken, we should only talk about the eggs.

Oxfam is an honourable organisation – it tells us that "the USA has negotiated numerous bilateral and regional free trade agreements...weakening or eliminating the public health safeguards allowed under TRIPS".

Never mind that Oxfam was unable to notice that in US free trade agreements there are explicit references to the so-called Doha Development Agenda and Paragraph 6 issues (use of compulsory licenses). For example, in the Dominican Republic-Central-America Free Trade Agreement (FTA), as well as in other agreements (US-Morocco, US-Chile and others), the concerns over the issue of public health and the implementation of the Doha Development objectives are addressed in the side letters and understandings to the agreements:

³. Mansfield, E. "Patents and Innovation: An Empirical Study", *Management Science* (February, 1986), pp. 173-181



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"Chapter Fifteen does not prevent the effective utilisation of the TRIPS/health solution".¹

But Oxfam is an honourable organisation – it tells us that "while other rich countries, and particularly the member countries of the European Union, have not pursued a TRIPS-plus agenda, their inaction has left the USA free to impose stricter intellectual property rules on poor countries".

Never mind that Oxfam is 'unaware' of the highly active FTA activities of the EU (DG Trade), most of which involve TRIPs+ provisions (notably in agreements with Latin American Countries and ACP countries).

The trade policy approaches taken by the US and the EU are arguably different.² However, the EU-led FTAs do require IP protection at a TRIPs+ level.³ Moreover, in some case the EU demands a level of IP protection from its trading partners, which is even higher than the US FTAs' standards. For example, the Partnership and Co-operation Agreement between the EU and Ukraine (1998) required the latter to implement IP protection standards similar to those existing in the EU by the end of 2003.⁴ In other words, the Ukraine is required, for example, to have data exclusivity provisions based on the EU standards (which are significantly higher than the US standards).

¹. Dominican Republic-Central America Free Trade Agreement, *IP Understanding on Public Health* (2004), http://www.ustr.gov/assets/Trade_Agreements/Bilateral/CAFTA-DR/CAFTA-DR_Final_Texts/asset_upload_file697_3975.pdf

². Pugatch M.P. "the International Regulation of IPRs in a TRIPs and TRIPs plus World", *Journal of World Investment and Trade*, vol. 6:3 (July 2005), pp. 430-465

³. http://trade.ec.europa.eu/doclib/docs/2004/july/tradoc_118238.pdf

⁴. http://ec.europa.eu/trade/issues/bilateral/countries/ukraine/index_en.htm

Yet Oxfam is an honourable organisation. It tells us that "despite pressure from industry and rich-country governments, many developing countries – bolstered by effective civil-society groups and political will – are succeeding in introducing and enforcing TRIPS safeguards."

One could only hope that this effective coalition of civil society and "political will" can also acknowledge that some less important actions, such as fighting corruption, building infrastructure, reducing illiteracy, and improving distribution outlets are also important to the issue of access to medicines.

But Oxfam is an honourable organisation. It says that "pharmaceutical companies (should) stop lobbying rich-country governments to promote stricter intellectual property rules worldwide, and stop pressuring poor countries to accept stronger intellectual property rules that undermine public health."

Indeed, only Oxfam is allowed to lobby, pressure and promote its message, regardless of the facts. Yes, all the rest of us just (including weak and apparently helpless countries, such as India and China) need to humbly accept its truths.

Serious, evidence-based critiques and even attacks on the IP system are welcome, especially by those of us who support the system and believe in it. A strong battle of the minds is important both at the intellectual and academic levels, as well as to the practical management of IPRs. But the Oxfam report, can hardly qualify as a serious piece of criticism.

We suspect that if an equally vapid report was written by one of the pharmaceutical companies that are so vividly portrayed by Oxfam, they



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would have taken great pleasure in exposing, and shaming it.

Critique: Defending Oxfam's Honour – Dr Graham Duffield¹

The following is a response written by Dr Graham Duffield to Dr Meir Pugatch in response to this month's leading article.

Like me, you go where angels fear to tread! I could not help but respond to your comments on the Oxfam report. As somebody who tends to be placed in the 'NGO camp' but has nonetheless been willing to go on record criticising misinformation where I find it, including from NGOs, I may be able to help here.

Let us go straight to Shakespeare. Marc Antony clearly did not like Brutus. Perhaps that reflects your views on Oxfam or maybe you are just angry about this particular report. In repeatedly calling Brutus an "honourable man" he of course meant that Brutus is a dishonourable man and was using rhetoric to whip the crowd into a frenzy. So again, you seem to be telling us that Oxfam does not reach your standards of how an honourable organisation should behave. Whatever we can say about Brutus, he did lead a murderous conspiracy; a man who was willing to kill for what he thought were the right reasons. So you are being pretty tough on Oxfam who are in the business of saving lives, not taking them. As for Marc Antony, as subsequent events proved, he turned out to be rather a calculating chap with very questionable motives.

What I am trying to suggest is that your choice of this particular phrase from Julius Caesar in your article, along with the additional comments makes for a fairly emphatic condemnation. I'm

¹ Dr Graham Duffield is Herchel Smith Senior Research Fellow in Intellectual Property Law at Queen Mary, University of London

puzzled that this particular report has upset you so much when many others, sometimes of far worse quality, pass by without any public criticism from you.

Are you right to be upset – and so sarcastic with it?

It is largely a matter of opinion of course. Here is mine.

A lot of NGOs can be irritatingly self-righteous, preachy, ideological, simplistic in their analysis, inaccurate in their research and naïve in their findings. I do not think I need to give any names, but Oxfam is a very long way from being the worst offender! However, some of these same organisations can also do a tremendous amount of good. And Oxfam has since the 1940s done an awful lot of good in the world. A lot of people are alive today who would not be without Oxfam, which is not of course to say they should never be criticised. As for their reports, they are normally well within an acceptable margin of error and I believe this report is within that acceptable margin too. I think it would also be fair to mention that Oxfam was a key actor in the campaign which resulted in the Doha Declaration on the TRIPS Agreement and Public Health. If they are following their own agenda, I do not find it a particularly malign one. Do you?

Onto the details of your complaint. Let us go through it item by item.

1. On generic medicines' position in the market - It is true that generic firms benefit from the patent system so far as the patent system is necessary for new drugs to reach the US, European or Japanese markets and therefore eventually be available for copying. But could you perhaps let us know where you got the 65% figure from. Careful readers might also ask you to clarify what 'market' you are referring to. Developing country markets for pharmaceuticals operate very



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differently from the way they operate in the United States. And the US market is quite different from the more regulated European one. One might add that the public and university sectors in the US together spend lots of money on drug research. Admittedly they also use the patent system a lot nowadays. Anyway, I am pretty comfortable with the assertion by Oxfam, even if it fails to tell the whole story.

2. On US Free Trade Agreement negotiating practices - Oxfam is 100% correct. References to the Doha development agenda and paragraph 6 in some FTAs do not impress me much. And I think they tend to be in the preambles where they are toothless. The FTA provisions on data exclusivity in many of the FTAs I have seen are simply appalling. Why would USTR and pharma insist on these provisions if they thought they would make no difference in terms of drug price and competition?

3. On the differences (and similarities) between US and EU negotiating practices - I tend to agree with you on this. Singling out the USA for doing what others do too is all too common and I am against it. The EU is too often let off the hook, as if being more polite makes them any less aggressive in terms of foisting TRIPS+ standards on other countries.

4. On Oxfam being better advised to spend its time combating corruption, building infrastructure, and improving education, there are NGOs that do that too, including some of those in this coalition. I just did a search using "Oxfam and corruption" and I got 308,000 hits on Yahoo!.

For my money, Oxfam's report is a serious and credible piece of criticism. Pharmaceutical trade associations and the NGOs they sponsor get away with an awful lot of nonsense. A lot of

industry-funded propaganda is far less objective than Oxfam's work and comes with far more unsubstantiated assumptions. Of course, as academics engaged in this area we have some kind of duty to expose falsehood, whoever produces it. We should also stand up for justice (although sadly too many of us neglect to do either). I believe Oxfam is an honourable organisation!.

Topic of the Month

Support In the Field of IPR for SMEs: To Patent or not to Patent?- Alfred Radauer *

For the past 20 years, the importance of Intellectual Property Rights (IPRs) has steadily increased in European economies. In this so-called "pro-patent" era, we have seen a continuous rise in the number of patent applications. Changes in the legal frameworks have broadened the range of innovations which are patentable; the value of a company today is in many instances more determined by its intangible assets (if compared to its tangibles) than in the past.

Surprisingly, little data is available to show how small and medium sized enterprises (SMEs, by definition companies with less than 250 employees) react to this development. But what is available suggests that – except for selected high-tech industries – SMEs are rather reluctant to walk the patenting road. In a recent article published by the Stockholm Network, Anne Jensen revealed a number of reasons for the hesitancy:

* Alfred Radauer is a senior researcher at the Austrian Institute for SME Research, Vienna. He is currently heading the project "Benchmarking Regional and National Support Services in the Field of IPR for SMEs", to be carried out for the European Commission.



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Lack of awareness about potential benefits of patents, costs for application and maintenance, administrative burdens or enforceability issues. These barriers, which affect SMEs more than large companies (due to their limited human and financial resources), prove to be anchor points for the design of SME-specific public support services in the field of IPR.

More than 200 such support services are currently offered throughout Europe. Scopes and subjects vary greatly: Some provide useful information in the form of booklets; computer-based IP Toolkits help assess the SMEs' knowledge about patenting; financial support is often available for the application phase and sometimes also for litigation purposes abroad. Many of the services are offered by the National Patent Offices (NPOs) who seek to find new roles for themselves as the central European Patent Office gradually takes over tasks which were previously the sole responsibility of the national offices.

An important aspect is that the services mostly intend to complement the offerings of private patent attorneys who provide assistance in legal and technological matters. And many of the services explicitly aim to increase patenting activities of SMEs.

However, it should not be forgotten that patents are only part of a spectrum of methods which can be used to protect intellectual property. Many SMEs are not aware that, by patenting, they actually show the blueprints of an invention to the public (and thus offer an easy way to - unlawfully - copy it). Reliance on the complexity of design or reliance on lead time advantage over competitors may prove to be better strategies than patenting, if a company does not have the financial and the time resources to successfully litigate. The risk would be, of course, that another

firm reinvents or reengineers the product, patents it and consequently drives the original inventor out of the market. The original inventor might thus, alternatively, consider reverting to "defensive publishing", i.e. the publication of the blueprints/research results in a well-known journal. This would not hinder competitors to copy one's invention, but it will at least provide a cost-effective means against being patented out. Other tools available to SMEs include trade secrets, copyrights, trade marks or utility models.

The set of methods to protect intellectual property is, overall, thus a rather large one, but this does not mean that patents do not have important benefits: They do offer a strong insurance premium against plagiarism, they may be an important asset in the absence of reference projects (e.g., for obtaining venture capital), they are important in securing 'trust' while collaborating with competitors, and they can be used also as marketing tools.

Large enterprises often have departments dedicated to IP management: they evaluate the technological and market position of the firm in a particular field and gauge the costs of using a particular IP protection practice (such as patents) against its benefits. The selection process is based on a (mostly secret) corporate IP strategy which also takes the activities of competitors into account and is set against the rationale of using those instruments which provide the maximum expected revenue. IP management is thus part of a conscious business strategy.

Whereas SMEs hardly have the possibility to set up dedicated IP departments, they should nonetheless follow similar reasoning. This implies that the question of "why to patent" (or use any other IP protection practice for that matter) should always



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precede the "how to patent" question in the business context.

Consequently, IPR support services should – depending on the particular scope and aims – also take into account the business and management view and should deal with the full spectrum of available IP protection practices. A possible outcome of a consultation could then also be the advice not to patent and use, for example, trade secrets instead.

A research consortium of more than 30 institutes, headed by the Austrian Institute for SME Research, is currently charged by the European Commission with identifying the most significant support services in the field of IPR for SMEs in Europe, benchmarking them in terms of their effectiveness and performance and identifying good practices. The final results of the study, which will include case studies of 15 services showing distinct good practice elements and a directory of all support services in Europe, will be made available in the course of a conference to be held on September 27, 2007 in Vienna/Austria.

Experts' Corner

Some Recent SPCs Developments in Europe - Conal Clynych *

The subject of Supplementary Protection Certificates (SPCs) is closely linked to the idea of patent life extension. The problem with pharmaceutical patents is that delays in marketing authorisation, including the required clinical trials, can mean that the product cannot be marketed until a substantial portion of the patent term has elapsed.

Marketing (regulatory) approval including clinical trials usually takes between 8-12 years to obtain but there

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have been cases where the entire term of the patent has elapsed before marketing approval is granted. As pharmaceutical companies rely on patents to recoup their extensive R & D investments, the industry has therefore long argued that the life of the patent should be extended because of this.

The USA reacted to the concerns of the pharmaceutical industry by introducing the *Drug Price Competition and Patent Term Restoration Act of 1984* (the "Restoration Act")¹ which allowed for a maximum extension of 5 years. Japan followed suit in 1988 and hence there was pressure on Europe to introduce similar legislation. Indeed, because of the delays in getting agreement on a European system, France and Italy had introduced their own systems prior to the European system and hence part of the rationale behind the Regulations was to harmonise the law in the EU.

The Regulations

Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (the SPC Regulation) entered into force on 2 January 1993.² This created a distinct title of intellectual property right having as its effect the extension of the period of patent protection available for an eligible **product**, but not the extension of the patent itself. In this way it differs from the "patent restoration" of the USA and similar practice in Japan, where it is the patent itself which is extended.

SPCs have to be applied for separately in each Member State of the

¹ Public Law No. 98-417, 98 Stat. 1585 (1984)

² UK Patent Office "Supplementary Protection Certificates for Medicinal Products and Plant Protection Products - A Guide for Applicants (Revised January 1997)" see: <http://www.patent.gov.uk/spctext.pdf>



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European Economic Area (EEA) in which protection is required and their effects are limited to the territories of the Member States in which they are granted. This is necessary because SPCs cannot exist independently of the patents on which they are based, and all such patents have an intrinsically territorial nature.

The Regulation stipulates the conditions which have to be fulfilled for grant of an SPC, as well as the effects and term of such certificates. SPCs can be granted if:

- the product is protected by a basic patent in force;
- a valid authorisation has been granted to place the product on the market as a medicinal product;
- the product is not already the subject of a SPC;
- the marketing authorisation is the first in the Member State.

Article 13 of the Regulation defines a formula to establish the term of any certificate that an applicant may be entitled to. Effectively, an SPC is available when the marketing approval is granted five or more years after the filing date of the patent, and its duration is for a period of time corresponding to how long after that five-year point the approval was granted, up to a maximum of five years.

The Regulation has been subject to a number of amendments especially as new member states have joined the EC. Regulation (EC) No 1610/96 of 23 July 1996 entered into force on 8 February 1997 created a similar SPC right for plant protection products (such as pesticides and herbicides) which also are required to undergo similar approval.

Paediatric Medicines Regulation

The European Parliament has recently agreed a Regulation on paediatrics medicine which will affect the duration of some SPCs. This Regulation is due to enter into force on 1 January 2007 and will result in SPCs for those medicines which have been tested for use for children being extended by six months. The reason for introducing this legislation is to ensure that tests are carried out to ensure the suitability of medicines for children.

Pharmaceutical companies have been reluctant to do this work as they consider that the size of the paediatric medicines market does not justify the expenses involved. The new Regulation will oblige them to undertake the necessary testing and, as compensation, a six month extension to the relevant SPC(s) will be granted.

Implementation problems

Most implementation issues have arisen from two distinct factors. First, whilst the Regulation seeks to provide a common legal framework across the EC, it is dependent upon national intellectual property offices administering it. Since the Regulation cannot cover all eventualities it has to rely upon the procedural provisions of national law corresponding to the basic patent. This can lead to differences in its interpretation between different countries.

Secondly, when the Regulation was first enacted, the legislators had in mind a relatively simple 'linear' model of the pharmaceutical industry with the patent holder also being the manufacturer and seller of the pharmaceutical product and thus also the holder of the SPC. However, the real situation has proved much more complex. For example, licensing agreements can exist between different companies for the same



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product, and these can differ in different countries. Moreover multiple patents belonging to a number of separate patent holders may relate to the same active ingredient. Patent pendency periods and delays in issuing marketing approvals have in some cases proved to be far longer than the original legislators anticipated. Some of these issues were resolved through subsequent legislation when the Plant Protection regulation was enacted, but for others, the interpretation of the Regulation is dependent upon case law.

Conclusions

SPCs serve to foster innovation in Europe's pharmaceutical sector by compensating companies for losses suffered due to delays in receiving marketing approval. In doing so, they ensure that Europe remains competitive in comparison to other innovative economies such as the USA and Japan. Similarly the introduction of paediatrics medicines legislation will ensure that much-needed research takes place into the effects of medicines on children and the extension to SPCs will serve to fund this work.

Although there have been some problems with regard to the implementation of the Regulations, nevertheless in general the system works well but it is arguably in need of updating to maintain the correct balance between the different stakeholders and to further encourage innovations in the pharmaceutical and plant protection areas.¹

¹. UK Patent Office response to the Gower's Review, June 2006. See: <http://www.patent.gov.uk/policy-issues-gowers-evidence.pdf>

News Flashes

Top Stories in the World of IP and Competition

1) Oxfam, one of the world's leading NGO's, published a controversial report on the 14th November entitled "Patents vs. Patients: Five years after the Doha Declaration". In the summary of the report, Oxfam argues that "On the five-year anniversary of the Doha Declaration, there is an urgent need to reinvigorate the spirit that produced the Declaration. The abysmal record of rich countries and the pharmaceutical industry remains a central concern of civil-society groups and developing-country governments."

To read more go to www.oxfam.org

2) On 9 November, Dr Margaret Chan of China was elected the next Director-General of the World Health Organization (WHO) after her predecessor, Dr Lee Jong-wook, died suddenly last month. Dr Chan said in her acceptance speech that "what matters most to me is people. And two specific groups of people in particular. I want us to be judged by the impact we have on the health of the people of Africa, and the health of women." To read more go to World Health Organisation, www.who.int

3) The UK Patent Office is organising a road show of seminars aimed at raising awareness of the value of intellectual property rights for small and medium sized enterprises. The seminars are free of charge and will take place in key cities around the UK in December and January next year. These events are part of a National IP Awareness Campaign and speakers include representatives from the Patent Office, patent and trade mark attorneys and business entrepreneurs.

To read more go to The UK Patent Office, www.patent.gov.uk



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4) January 30-31 2007 has been decided as the date for the Third Global Congress on Combating Counterfeiting and Piracy. The initiative is a joint effort between the World Intellectual Property Organization, Interpol and the World Customs Organization and the headline is "Shared Challenges-Common Goals".

To read more go to <http://www.ccapcongress.net/>

5) The *Financial Times* reports that Universal Music, the world's largest music company, has launched a law suit against MySpace, the popular networking site owned by Rupert Murdoch's News Corp. The decision was made after months of unsuccessful efforts to try and strike a deal between the parties. Vivendi, which is the French media giant that owns Universal Music, said it was suing MySpace over copyright infringements of the music and music videos of its artist, Jay-Z.

To read more go to The Financial Times, www.ft.com

Recent Events

On the 25 October the Stockholm Network and the World Intellectual Property Organisation's Division on Small and Medium Sized Enterprises co-hosted a workshop on the topic of:

Intellectual property rights (IPRs), small and medium sized enterprises (SMEs) and health-related public private partnerships (PPPs).

Chaired by Dr Meir P. Pugatch, Haifa University and Head of the Stockholm Network IP and Competition Programme, the workshop focused on the methods by which IPRs can be used by different SMEs - such as university tech-transfer bodies, research hospitals and spin-off companies - to form partnerships with

larger companies in the biomedical field and to develop new treatments and new medical technologies. The workshop also discussed different policies, which can encourage of the use of IPRs in private-public collaborations, both on the national and international levels.

The seminar was attended by a wide range of representatives from the pharmaceutical industry, civil society, the international organisations in Geneva, academia and trade associations.

Speaking at the seminar were prominent experts in the field, such as Dr Cathy Garner, Chief Executive Officer, Manchester Knowledge Capital, Dr. Itzhak Zaidise, Acting Director of the Sheba Medical Centre in Israel, Dr Nikolaus Thumn, Senior Economic Counsellor of the Swiss Federal Institute of Intellectual Property and Roya Ghafele, WIPO.

Guriqbal Singh Jaiya, Director of the WIPO SME Division, introduced the workshop by emphasising the personal and emotional nature of health-related IP issues. Following on from that, Helen Disney, Director of the Stockholm Network, stressed the important link between IPRs and innovation, especially in the field of health. These points were also addressed by Caroline Schwab, Programme Officer at the WIPO SME Division, who outlined how the SME Division works to assist SMEs in acquiring and protecting their knowledge assets.

The first expert presentation was given by Dr. Zaidise, on the use of IPRs by research hospitals as a tool for promoting technology transfer for the public benefit. Dr. Zaidise explained how some developing countries' governments are reluctant to support research in public hospitals because they believe hospitals should rather focus on treatment. The result, he said,



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is a lack of financial incentives for public hospitals to get involved in research and public-private partnerships.

Dr Cathy Garner, the second expert speaker, addressed the issue of strategic use of IPRs by pharmaceutical SMEs in developing countries. According to Dr Garner, a major problem in the discussions today is that many non-governmental organisations (NGOs) assume that small and medium sized pharmaceutical companies in developing countries are naturally inclined to focus on endemic diseases. Contrary to this belief, Dr Garner argued, SMEs in developing countries will also need to develop "blockbuster" medicines to survive.

Dr Nikolaus Thumm drew upon the Swiss example to illustrate the use of patents by biomedical companies. Switzerland has one of the strongest biotechnological industries in Europe and most SMEs in this industry use patents extensively. According to Thumm, small companies have the highest potential for innovation and that some SMEs use patenting extensively. He also finds that patents are important for the acquisition of venture capital. Patents, secrecy and lead time advantage are together important as protection tools.

Finally, Roya Ghafele addressed the issue of using public private partnerships to promote public health outcomes. Ghafele argued that, "public interest IP management, which comprises the areas of law, public policy and public private partnerships, may counterbalance current health inequities."

Guriqbal Singh Jaiya closed the seminar by once again emphasising the special nature of health-related IPRs.

It was decided at the end of the seminar that there would be follow-up workshops on similar topics. Watch this space!

The Stockholm Network wishes to thank again Mr. Guriqbal Singh Jaiya and Ms. Caroline Schwab for their valuable contribution and generosity in the organisation of this workshop.

Recent Events

On the 14th November the Stockholm Network, in partnership with The Progress and Freedom Foundation and *Managing Intellectual Property Magazine*, launched its new index of IP regimes in the high-tech sector, created by Dr Meir Pugatch, Head of the Stockholm Network Intellectual Property and Competition Programme.

The index ranks the EU as a whole at the bottom of the scale, below nation states of the EU and other countries including Norway, Japan and Brazil.

The findings show that, despite the EU's Lisbon Agenda goals, the level of IP protection secured to IT companies at the EU level (2.47) is significantly lower than in individual Member States such as France and Germany, and 37% below that available in the United States (3.92), which tops the table.

Among the EU countries, Germany leads the list (with a score of 3.59), followed by the UK (3.5), Sweden (3.39), Norway (3.37) and France (3.31).

For more information and to see all the scores, please visit our web site:

http://www.stockholm-network.org/downloads/publications/d41d8cd9-IP_A4_AW.pdf