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Could the Google Books Decision Set a Precedent for Global Pharma Patents?

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45 comments

Recently, US Circuit Judge Denny Chin exempted Google from US Copyright infringement laws. (To access the actual November 14 judgment, [click here](#)).

The exemption was based on Google's meeting [four conditions](#) of the law.

To summarize, the conditions are:

- the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit, educational purposes
- the nature of the copyrighted work
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole
- the effect of the use upon the potential market for or value of the copyrighted work

What would happen if patent laws, similar to copyright material laws, could be drafted and adopted by countries that find pharmaceuticals to be too expensive for the masses? In some countries, such overrides are called “compulsory licenses,” and many governments have adopted/supported such actions.

Increases in the number of “compulsory licenses” worldwide, or exemptions such as the one issued to Google books for patents, might benefit the masses but would be very controversial for many pharmaceutical companies and stakeholders.

On the positive side, such changes might force companies to become more efficient and to develop better processes. They would bring many of the costs for pharmaceuticals down as well. However, they would have a negative financial impact and increase the competitive pressure that drug companies must already deal with. What are your thoughts? Please write in and let us know what you think.