

Access and Benefit Sharing

Pharmaceutical Industry Perspective

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Intellectual Property

- The industry relies on strong protection for the high risk investments necessary to develop new medicines
 - Development costs about \$800MM per product
 - Success rate 1 in 5,000 compounds
- IP is equally important to encourage R&D in Developing Countries
- Strong enforceable protection is essential

Access and Benefit Sharing

The pharmaceutical industry

- Supports ABS
- Believes that reward should be paid for use of genetic resources
- Agrees with Prior Informed Consent
- Has a critical role to play in research and development to convert those resources into commercial benefits

Disclosure of Source in Patents

- A patent is not the tool to enforce obligations of CBD or to gain benefits from ABS
 - Very few samples lead to patentable inventions
- Mandatory disclosure requirement adds an extra hurdle to patentability
- Adds uncertainty to the strength of patents

Effects of Mandatory Disclosure

- Reduces the possibility of a strong patent
 - Therefore reduces the opportunity to create the protection necessary for investment
- Takes away the one way that commercial benefit can be achieved from original resources
 - Very few commercial benefits from defeated patents to share
- Discourages pharmaceutical companies from bio-prospecting