

Review of: "The COVID 19 vaccine patent race"

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This is a great useful report, emphasizing patent and intellectual property aspects of the successively mostly 2020 until now “race” to develop SARS-2 CoVID-19 vaccines. This legal patent and IP emphasis nicely supports the more familiar virology and vaccinology reports and is very useful for 2 reasons, firstly for history (which will be needed as we look forward to the next inevitable global pandemic) and secondly for those of us who have been teaching the SARS-2 CoVID-19 story as a rapidly-changing (every week it seemed during the critical times) “minicourse -- as universities started this about 2 years ago. A third short-term value is a great picture as the vaccine landscape continues to change over the next year. It is not yet stable. Without moving anything from this German-oriented legal-oriented story, Ulrich Storz has provided a very useful report, very clearly written.

Specific ideas and comments:

1. Please have a colleague re-read sentence by sentence for minor word errors, the kind that modern Microsoft software unhappily generates. For example, in the Abstract, what are “approval” and “inquitable”? There are many more examples, the job for the friends of the author and not for outside reviewers.
2. All that is not English, starting with LNP and PEGylated need to be exactly defined when first used. Maybe mRNA is now a word, but even SARS and CoVID need defining. K968P (lysine and proline – proline is spelled out only a few lines later in a broader context) and V969P (valine and proline) need to be explained, or else most non-expert intended readers will simply be lost. What is HRI? “frame rf 2/direct”? AA is amino acids and not alanine alanine. Sometimes AA is used, and sometimes aa for the same meaning. “SRLDKVEA” is not English and not understandable to those who never took basic molecular biology classwork..
3. We need not be told that BioNTech’s founders went to “his family’s Friday ritual” religious services (their religion not stated) but it is of interest that both are Turkish-origin Gastarbeiter, in Germany, a country that has much benefited from these new immigrants. Their “nationality” origin is a factor in international country to country parts of this story, such as when the American President Trump attempted unsuccessfully to lock up BioNTech’s entire predictive production for his USA sole use and later when a Taiwan microchip manufacturer arranged for the release of some Pfizer-BioNTech vaccine for use in Taiwan, when China objected but Germany needed Taiwan microchips for automobile assembly. Very likely, Dr. Storz knows both stories in depth. The origin of MERS (as a Middle Eastern country virus) is another example where international country to country GeoPolitiks add to the story Dr Storz tells.
4. “A situation like this, where several entities file, almost simultaneously” suggests that a careful Patent Office might decide that all alternatives are predictable and therefore lack the standard patent requirement of novelty. Dr. Storz

states that in the sentence starting with “In all three cases, though, the respective examiners came to the conclusion that the claimed subject matter would not be novel/”

5. The Reference section is usual sloppy mixture of styles, with Cap nouns or not and with article titles or not. As a lawyer Dr Storz should understand the value of exactness. If not exact, then patents have no value. Perhaps Dr. Storz should hire a secretary.
6. To be clearer about the relationships between companies would be good; they all seem cooperations between others and keep changing. Is Comirnaty a 50%; 50% split with Pfizer and vaccine partner BioNTech (BNTX)?