

Review of: "The COVID 19 vaccine patent race"

Kum-Chol Ro

Potential competing interests: The author(s) declared that no potential competing interests exist.

The manuscript "COVID 19 Vaccine Patent Race" is a worthwhile paper that re-emphasizes the importance of patent in promoting COVID 19 vaccine development. In the author's argument, however, the legal argument is not clear. Whether the reason why the patent itself could serve as a hinderance to the active development of COVID 19 vaccine is attributed to the inventive step as one of the criteria for providing patent protection or whether it is related to the procedural questions, including application, registration, publication etc of patent is unclear. Since patent is a kind of intellectual property right granted through legal procedures, the legal reasoning needs to be elaborated and clarified in reference to relevant provisions of the treaties such as the TRIPs Agreement or PCT and the relevant literature. The literature studying drug patent is numerous.

If the author intended not to discuss the legal perspective in detail, it is advised not to raise the question that the inventive step or the application date might be problematic.

The manuscript needs linguistic revision. For example, on page 5, the sentence "For all three applications, International Search Reports (ISR) have issued, prepared by the European Patent Office (EPO) as International Searching Authority (ISA), which reports come with a preliminary opinion on patentability" needs restructuring or revising for better understanding.