

Review of: "The COVID 19 vaccine patent race"

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

The article provides a very interesting insight on the covid-19 patent race written by an expert in biotech patents. I have enjoyed reading it (even though it is often quite technical and definitions will be welcome for non-expert readers) and I like the way in which the author tells us a long and complicated story by dividing it in three phases and providing useful references, tables and figures.

In my view, the weaker part of the article and worth revising, are the conclusions. The author suggests that the modular approach using publicly disclosed knowledge has led to simultaneous filings of very similar patents by the players in the covid-19 patent race and patent offices will likely find those patents obvious and reject them in the future. As a result, the argument follows, the lack of patent protection for covid-19 vaccines will lead to companies to refrain from investing in new vaccines in the future.

The author does not mention other forms of protection such as secrecy, know-how and market lead, as well as the extended use of advanced market mechanisms from governments and how they reduced risks and guaranteed benefits to vaccine producers during the pandemic. Thus, the claim that the lack of patent protection will lead companies to refrain from investing in new vaccines, without considering these other instruments, is partial and inaccurate.

Moreover, the argument seems to focus on the three patents described in Table 2, but these are not the only ones filed by these companies, and there are also other filed by other companies as also mentioned in the article, some of which we do not yet know about due to publication delays. For instance, at the end of the 'Phase 3' section of the article, the author refers to a continuation application filed by Moderna which has not yet been published.

Finally, I would like to note that the link to a search in The Lens in footnote 12 does not work. It will be useful to correct it, if possible, as it is important for the argument to be transparent about it.

