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Race against the virus: covid-19 clinical trial pharmaceutical patents in Taiwan

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The outbreak of covid-19 is changing the world dramatically and affecting every aspect of the global community. As a result, researchers and pharmaceutical companies are racing to develop drugs to combat the pandemic.

On 18 March 2020 director of the American Institute in Taiwan (AIT) Brent Christensen and Taiwan's foreign minister – Joseph Wu – released a US-Taiwan joint statement, declaring:

“To further strengthen US-Taiwan consultation and cooperation on combatting the COVID-19 virus, which originated in Wuhan, both sides will seek to share best practices and cooperate on a range of activities under a partnership that includes:• Research and development of rapid tests;• Research and production of vaccines• Research and production of medicines• Contact tracing techniques and technology• Joint conferences with scientists and experts, and• Cooperation and exchanges of medical supplies and equipment.”

However, the Taiwan Intellectual Property Office (TIPO) had made moves even earlier. Six days before this statement, TIPO published a list of Taiwanese patents for the clinical trial of covid-10 drugs, which is available to the public to view. According to the United States' 'clinicaltrials.gov' database and the information provided by TIPO, covid-19 drug patents can be divided into three categories:

分類 ¹	藥物	原臨床用途	我國藥品許可證	我國專利資訊							
				證書號	物質	組合物	用途	製法	專利權期限		
小分子藥物	抗病毒藥物	remdesivir	伊波拉病毒	X	I687432	V	V	V	2035/10/26		
		lopinavir/ritonavir	人類免疫缺乏病毒(HIV)	O(含學名藥)	158811	V	V		V	已消滅	
					I231211		V			已消滅	
					I284640	V ⁴				2021/5/1	
					I342221		V		V	2024/8/26	
					I381840			V		2026/2/21	
		umifenovir	流感、C型肝炎	X	無						
		favipiravir	流感	X		I463999		V			2030/3/11
						I507397	V ⁴	V		V	2031/9/28
						I552998	V ⁴	V		V	2031/9/28
	129988					V	V		V	已消滅	
	oseltamivir	流感	O(含學名藥)								
	ASC09F(ASC09/ritonavir)	HIV	X	I415851	V	V	V		2027/6/21		
	darunavir/cobicistat	HIV	O		I411613	V	V			2027/7/5	
I496778							V		2027/7/5		
I533868						V			2028/2/21		
danoprevir	C型肝炎	X	I375679	V	V	V		2024/10/12			
ribavirin	C型肝炎	O(含學名藥)	略 ³								
其他	fingolimod	多發性硬化症	O	I332847		V			2024/4/6 (延長至 2026/4/5) ⁵		
	chloroquine phosphate	瘧疾、免疫調節	O(皆學名藥) ²	略 ³							
	hydroxychloroquine	瘧疾、免疫調節	O(含學名藥)	略 ³							
	thalidomide	多發性骨髓瘤、癩 癩性結節性紅斑	O皆學名藥	略 ³							

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蛋白質藥物	干擾素	重組人類干擾素 α-2b	B/C型肝炎、癌症	O ²	略 ³						
		聚乙二醇干擾素 α-2b	C型肝炎	O ²	略 ³						
		重組人類干擾素 β-1β	多發性硬化症	O	略 ³						
		novaféron	B型肝炎、癌症	X	I375716	V	V	V		2027/12/6	
	抗體	抗 PD-1 抗體	癌症	O		I379898	V	V	V	2026/5/7 (延長至 2029/8/3) ⁵	
						I630917		V	V		2036/12/5
						I419705	V	V	V	2029/12/7 (延長至 2033/7/8) ⁵	
						I660738		V	V		2034/9/25
		bevacizumab	癌症	O				V	V	2031/02/21 2031/02/21	
	eculizumab	血紅素尿症、溶血 性尿毒症候群	O		無						
meplazumab	瘧疾	X		無							
其他	thymosin	細菌及病毒感染	O ²	略 ³							
	rhACE2		X	無							

According to Taiwanese patent laws, carrying out necessary acts to exploit inventions for research or experimental purposes does not constitute patent infringement.

Further, details of Taiwanese patents can be found on TIPO's patent database.

Last but not least, if a patent or trademark applicant fails to comply with a statutory time period due to the covid-19 outbreak, the applicant may file a request for reinstatement along with the relevant evidence. TIPO has stated that applications will be reviewed leniently on a case-by-case basis.

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