

Pfizer/Biontech forced to reduce their grip on Covid-19 vaccines

On April 5, Médecins du Monde (MdM) challenged Pfizer/BioNTech's monopoly on the Covid-19 vaccine by submitting third party observations on two patent applications filed by BioNTech at the European Patent Office (EPO). Now, BioNTech has significantly reduced its claims, making wider production more likely.

The objective of our legal action was to avoid undue privatization of important vaccine production knowledge that would prevent other companies from producing other vaccines. Indeed, overly broad patent claims on a range of technologies, such as the one from BioNTech, risk creating illegitimate monopolies hindering the production of other innovative Covid-19 vaccines.

MdM demonstrated that much of what was included in BioNTech's patent applications was existing knowledge from the development of vaccines for other coronaviruses and mRNA vaccines, both of which were initiated by public research projects. Thus, within the patent applications, there was a clear lack of inventive step, a required criterion for obtaining a patent.

Alongside of MdM's legal action, EPO examiners also raised several objections to the patentability of BioNTech's claims through first search reports. Similarly, EPO examiners concluded the lack of inventive steps due to the breadth of the claims.

Therefore, at the end of April 2022, BioNTech amended its patent application, drastically reducing its scope to a specific lipid, thus, giving up its original ambition of a large monopoly.

"This is an important step: if a third party uses the same RNA in a lipid nanoparticle but does not use this particular lipid, it is no longer within the scope of the patent." said Dr Carine Rolland, president of MdM-France, adding "this opens the possibility for manufacturers to produce Covid-19 vaccines at affordable prices around the world".