

**25.08.2018**

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**gLAWcal**  
**Comment #317**

**WHO IN THE WORLD IS FILING  
PCTS?**

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*Based on*

**Francesca Spigarelli and Andrea Filippetti “Grasping Knowledge in Emerging Markets: is this the case of Western Pharmaceutical Companies in China?”**



A gLAWcal comment on  
Francesca Spigarelli and  
Andrea Filippetti “Grasp-  
ing Knowledge in Emerg-  
ing Markets: is this the case  
of Western Pharmaceuti-  
cal Companies in China?”  
in Paolo Davide Farah and  
Elena Cima (Eds.) **China’s In-  
fluence on Non-Trade Con-  
cerns in International Eco-  
nomic Law**

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China is in a new position as a nation with increasing numbers of patents being filed for pharmaceutical materials every year. If you would compare the percentage increase from year-to-year, it is amongst one of the greatest increases in production amongst other developed nations. Yet, the bulk of the patents are still filled from the US. This signals that the Chinese market in this industry is in the business of creating new knowledge, worthy of intellectual property protection. Famously, the nation is not as stringent with intellectual property right protection as other developed nations. This may be an opportunity, albeit self-serving, to become more in line with other nations in this area. To observers, this should

be seen simply as a positive outcome, with little room for considering this in any other light. In another area that must be considered as equally, is the need for protecting the rights holders of Traditional Chinese Medicines. Similar to the complications with properly regulating Traditional Knowledge, these TCMs are effective unowned by one individual or corporation, and instead are held collectively by all of the people of a given community. This further complicates when otherwise non-TCM IP may be considered heavily regulated and protected. It is necessarily bifurcated just the same as TK and other IP. The safety of these products should be the focus for regulators, and not necessarily who holds the sole ability to produce these products.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

## OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

## OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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