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DRUG PATENTS: A RACE AGAINST TIME

o Stretch Patent Life

PHARMACEUTICALS rely heavily on patents to protect their products because, once formulated, a compound is usually duplicated. So it's not surprising that Congress has passed legislation to postpone their patents' expiration.

the Patent Office, but rather that old-fashioned Drug Administration. The big pharmaceuticals contend that long periods of review for new drugs shorten the patent life—and the profits.

A new chemical that *might* have medical uses. Next, a patent is sought. Two years—the time for a decision on a patent—pass. Meanwhile, the drug is being tested, typically, for a few months. Then, five to six years of human tests may be required. The FDA reviews the tests. Average time for a drug to reach the market is 10 to 12 years.

A typical drug patent has five to 11 years of life before it goes on a pharmacist's shelves. The average time for a drug to be approved by the FDA in 1980 (see table) is 10.5 years, with an average effective patent life remaining, and one year left to go. The average was about 7½ years.

of the Patent Office, the FDA and the Drug Administration, the Pharmaceutical Manufacturers Association has been lobbying for a measure that would extend the patent life of any drug delayed by the FDA. The association contends that short

Trade Name	Use	Company	Date Patent Filed	Date Patent Issued	Date of FDA Approval	Effective Patent Life
Viroptic	ophthalmic solution	Burroughs-Wellcome	9/18/63	8/17/65	4/10/80	2 yrs, 4 mo.
Meclan	acne cream	Johnson & Johnson	12/19/60	5/16/61	5/30/80	none
Cinobac	treatment of urinary infections	Lilly	2/ 4/69	6/13/72	6/13/80	9 yrs.
Meclomen	anti-inflammatory agent	Parke Davis	1/12/61	4/11/67	6/25/80	3 yrs, 10 mo.
Vansil	anti-parasitic	Pfizer**	5/29/68 4/19/74	6/28/74 9/ 2/75	7/23/80 7/23/80	10 yrs, 11 mo. 12 yrs 2 mo.
Calderol	treatment of bone disease associated with kidney failure	Upjohn *	3/17/69	9/ 3/74	8/ 5/80	11 yrs, 4 mo.
Yutopar	prevents premature birth	Merrell-National	2/25/65	11/12/68	8/29/80	5 yrs, 3 mo.
Asendin	anti-depressant	Lederle**	2/28/64 2/28/64	8/ 1/72 5/16/72	9/22/80 9/22/80	8 yrs, 11 mo. 8 yrs 8 mo.
Zomax	pain reliever	Johnson & Johnson	7/26/67	8/14/73	10/28/80	9 yrs, 10 mo.
Siseptin	antibiotic*	Schering-Plough**	6/25/73 6/23/73	9/23/75 8/27/74	10/29/80 10/29/80	11 yrs, 11 mo. 11 yrs, 11 mo.
Ludiomil	treatment of depression	Ciba-Geigy	11/ 9/61	8/27/68	12/ 1/80	4 yrs, 8 mo.
Spectrobid	oral antibiotic for use against urinary and respiratory	Pfizer	9/ 7/71	3/25/75	12/22/80	11 yrs, 3 mo.

* Upjohn's patent