Roger Kuan, Joan Wang, and Lyric Stephenson in IP & Technology Law Journal: 'Life Sciences Considerations Regarding Compulsory Licensing, March-In Rights, and the Defense Production Act During COVID-19'

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Summer Associate Lyric Stephenson also contributed to this article.

Under pressure to overcome the ongoing global pandemic, the U.S. government faces political pressure and is motivated to take any and all measures to facilitate the dissemination and use of innovation related to the diagnosis, treatment and prevention of COVID-19. There are various paths by which the federal government might seek to accomplish such goals, including via:

- Compulsory licensing;
- March-in rights under the Bayh-Dole Act of 1980; or
- The Defense Production Act.

As discussed below, the conditions under which the U.S. government can pursue one of these paths and the likelihood that it will pursue it may vary. As such, companies possessing patent rights in COVID-19 innovations should be mindful of the circumstances under which the government might interfere with patent rights to private commercial developments, the consequences of such interference, and the ways in which it might be able to avoid such government interference.

Excerpted from *Intellectual Property & Technology Law Journal.* To read the full article, click on the PDF below.

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