Research & Derailment

What's the real problem with patents? They knock scientific progress off track

April 1, 2003 By Nicholas Thompson

LAST YEAR, a company named Euroscreen won a patent for a big portion of the CCR5 receptor—a protein on the CD4 cell surface through which HIV must pass to infect the cell. The idea is that because Euroscreen discovered this biology, it gets a patent in return for making it public. This brings researchers closer to developing new HIV meds or vaccines that work by locking HIV out of CCR5. Reasonable, right?

Not so fast. Although patents are supposed to speed research by rewarding innovations, they can backfire. Let's say a firm wants to develop an HIV drug using the CCR5 receptor. In the past, before Pharma started patenting every sort of biological discovery, the company could just study the receptor and market its product. Now it would have to negotiate a licensing payment with the patent holder. And if the company already needed 50 licensing agreements to make that one HIV drug, adding Euroscreen's might scuttle the project. It's almost as if, to make a new salad, you had to negotiate with the folks who discovered lettuce, tomatoes and peppers. And the pepper people could always balk.

This is a huge problem, and not just for HIV research. In January 2001, *The New York Times* quoted Peter Ringrose, Bristol-Myers Squibbs' chief scientific officer, saying there were "more than 50 proteins possibly involved in cancer that the company was not working on because the patent holders would not allow it or were demanding unreasonable royalties." The industry has created far fewer groundbreaking drugs in the past decade, according to a report by the National Institute for Health Care Management. Not coincidentally, it was in the mid-'90s that we started granting patents on genes and the like.

Of course, other factors contribute to this lag. But in HIV research, it appears that patents, created to spur innovation, now thwart it. A law requiring patent holders to license their discoveries to others at reasonable prices would help the industry produce new drugs that can save lives.

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