

Examining the Moderna-NIH COVID-19 Vaccine Debate in the Context of Bayh-Dole

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IP Watchdog.com, the largest online intellectual property publication in the world and a leading source for news, information, analysis, and commentary in the patent and innovation industries published an article authored by partner Jennifer Maisel and associate Anjali Jenna (AJ) Teigen entitled, "Examining the Moderna-NIH COVID-19 Vaccine Debate in the Context of Bayh-Dole."

In the wake of the development of COVID-19 vaccines, the Biden-Harris Administration has suggested major shifts in U.S. policy concerning patent protection. In May of this year, Ambassador Katherine Tai, the U.S. Trade Representative (USTR) announced the Administration's support for waiving intellectual property protections for COVID-19 vaccines. Most recently, the National Institutes of Health (NIH) Director Dr. Francis Collins accused Moderna of excluding three NIH scientists as co-inventors of a key patent for the COVID-19 vaccine. This article explores an alternative possibility of the Administration exercising certain rights in the COVID-19 vaccine invention under the 1980 Bayh-Dole Act—one day after the bill's co-sponsor, Senator Bob Dole, passed away—and whether such an exercise of rights is in line with past precedent or would be a violent disruption to the status quo.

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