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The Draft global strategy on public health, innovation and intellectual property (A/PHI/IGWG/2/2) identifies actions to be taken in relation to technology transfer, including the promotion of “patent pools of upstream and downstream technologies”. Indicators for this action are twofold: “(1) Meeting convened to review and discuss patent pool models with consensus conclusions and (2) Evaluations made of new patent pools and their effectiveness.”

We have conducted an analysis of patent pools in aiding access to needed medicines and find them promising. While there exist some legal hurdles to surmount, the feasibility of a pool will ultimately depend on the mobilization of sufficient political will. Since such a pool will operate best with the cooperation of patent-holders, considerable effort should be placed on encouraging voluntary participation in the pool. We recommend that while there is sufficient evidence to support the use of a pool to encourage new formulations and combinations of medicines, more evidence should be collected on the desirability and feasibility of using a patent pool to reduce costs.