

# *The IP of Vaccines*

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In a world in which infectious diseases are spreading increasingly faster, the development of new human vaccines remains a priority in biopharmaceutical innovation. This Article focuses on the laws governing innovation during the stages of research and development (R&D) of vaccines, providing an account of the race to develop new vaccines in the 21st century. Drawing on interviews with project directors, advisors and lawyers at partnerships focused on vaccine R&D, the Article identifies a set of emerging trends: a move towards public-private partnerships as the backbone of innovative vaccine R&D; a limited, albeit occasionally detrimental, role of patent-based incentives to R&D; a consequent shift towards R&D incentives complementary to, but not centered on, strong proprietary rights; and the adoption of flexible contractual frameworks regulating transfers of vaccine technology.

While the new dynamics of vaccine R&D have already yielded new vaccine candidates, the Article also shows that current innovation regimes are insufficient to promote socially desirable levels of vaccine R&D. The Article argues that additional legal interventions are required to promote sustained innovation in the field of vaccines, and offers one such proposal: the adoption of a “take-and-pay” regime based on liability rules, enabling access to vaccine technology by follow-on innovators.