

# Intellectual property rights and drug advertising in Republic of North Macedonia

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## Introduction

In a time of rapid development of technology and eased communication, patients' needs more information for the medicinal products they used or could be used, however, pharmaceutical companies are limited by regulative with information's and the ways they can provide/present their products.

Under Directive 2001/83/EC, "advertising" includes a wide range of activities that are designed to promote the prescription, supply, sale or consumption of medicinal products. There is a general prohibition on advertising prescription-only medicines ("POM") to the general public, although it is permissible to advertise non-POM products, such as over-the-counter pain relief medication (ICGL, Pharmaceutical advertising, 2018).

The variety of innovative digital advertising techniques in the online environment has created new opportunities for companies to expand advertising beyond its traditional supporting role for a good or service. At the same time, the Internet and digital technologies have created new potential problems because of the ease and speed with which advertising content can be copied, assembled, reshaped and distributed worldwide.

As in any creative and/or innovative industry, advertising companies are also faced with copycats, illegal use of their creative ads, products and contents by unfair competitors. It seems logical that under such circumstances, companies will act to protect their creative achievements against unfair or illegal use by others. In this context, the intellectual

property (IP) system offers various possibilities which advertising companies can and should use.

There is a number of IP issues related to creativity and advertising, such as how advertisers can protect their unique and original creations as intellectual property rights (IPRs); how advertisers can use registered trademarks; or the dangers of violating the IP rights of others while creating or using advertising content in a traditional or digital environment (WIPO, Managing IP and Advertising, 2011).

The aim of this study was to evaluate the IP rights and drug advertising in the R.N. Macedonia (RNM) by on-line prepared questionnaire for different population and professional structure groups.

## Materials and methods

For the purpose of researching IP issues related to pharmaceutical advertising in RNM we started an exploratory research on this topic worldwide. We used method of "Collecting secondary data", first. Using Internet search engines, a comprehensive literature review was carried out to find relevant studies performed on this topic. No other study was found to be conducted in RNM. Similar and valuable for this research were studies published in 2013 and in 2016 by EUIPO committee: European Citizens and IP perception awareness, and behavior. Also, several studies for deceptive advertising was found and used as data to continue with our further research, "Descriptive research (primary) data".

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Descriptive research was performed after collecting sufficient secondary data.

We expected by gathering information and estimation about the perception, awareness, behavior and knowledge of the citizens of RNM for IPR and drug advertising issues will help us to measure the influence on IP on advertising of drug products from one side and analysis of regulative on the other side.

First, pilot survey was prepared in order to predict possible problems during the online interview.

The interview questionnaire (Google Docs. Forms) included 22 items related to measurement of the perception on IP, different drug advertising aspects and prevalence of misleading advertising. The snowball effect of questionnaire was planned (Maysonnave and Delorme, 2013).

The survey was conducted during May and June 2019 on 314 residents of RNM Participants of different age groups, social categories, professional structure, education level and nationality.

Obtained data were tabulated using Microsoft Excel® (Microsoft Corp. Redmond, WA, USA), computed and consequently evaluated using statistical software STATGRAPHICS Centurion XVI evaluation (Stat Point technologies Inc., USA).

## Results and discussion

Participants of different age groups, social categories, professional structure, education level and nationality were interviewed.

The findings indicated that 63% of the surveyed participants have more trust in famous branded products than in smaller on non-branded products. The 68% of the participants claim that the trade mark has influence on their choice which drug to consume. 60% of the respondents think that they can recognize which advertisement is misleading.

It is interesting to notice that 46% of surveyed participants do not believe in truthfulness of advertisements in RNM, 46% think that non-fair concurrent advertising exists in RNM and additional 29% have opinion that most frequently there is non-fair concurrent advertising in RNM.

58% of the respondents answered correctly that only OTC pharmaceutical products are allowed to be advertised in RNM and 53% think that in RNM advertisement are controlled by authorities before launched.

When asked in which pharmaceutical advertiser believes the most, 30% of the respondents claimed that they believe in truthfulness of RNM pharmaceutical advertisers and ~ 63% believe on European advertisers mostly.

## Conclusion

The findings indicate that Intellectual property rights have influence on the drug advertising in RNM.

This study might be base for following RNM citizens' reaction on intellectual property, drug advertising and misleading advertising as a present world global problem. Further researches might be valuable for need of alignment of the regulative on international level.

## References

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