



Myth vs. Fact: The “Evergreening” Narrative

For decades, critics have alleged that drug companies patent minor modifications to existing medicines to delay generic competition and keep prices high — a practice they call “evergreening.” The evidence paints a different picture.

MYTH: Drug companies engage in “evergreening” to extend their products’ patent protection.

FACT: Patents protect distinct inventions, so a patent on a new version of a drug does not extend protections for the original product. Once the patent term and regulatory exclusivity for the original product expire, competitors can launch generic versions.

MYTH: Continuing innovation represents an abuse of the patent system.

FACT: Developing new versions of existing products is standard across industries. Drugmakers continue researching treatments after FDA approval, just as car and smartphone companies continuously refine their products.

MYTH: Changes to existing products are trivial and only meant to justify new patents.

FACT: Making a drug easier to take, reducing its side effects, or increasing its effectiveness can meaningfully benefit patients. These changes typically require a new round of clinical trials and FDA review.

MYTH: Additional patents delay the entry of generic drugs.

FACT: Generics typically enter the market about 12-14 years after the brand-name drug receives FDA approval, even for products that undergo post-approval research resulting in additional patents.

MYTH: “Evergreening” keeps generics off the market.

FACT: Lower-cost versions of medicines are widely available, with generics accounting for nine out of every 10 prescriptions filled in the United States.

Contrary to critics’ claims, evidence shows that the patent system:

- Incentivizes continuing innovation that leads to better patient outcomes
- Delivers affordable generics on schedule
- Ensures patient access to both lower-cost generics and new versions of existing drugs