Incentives and Regulatory Considerations in Orphan Drug/Medical Device Development - Situation in Japan -

MHLW/PMDA, Japan

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Reviewer, Office of New Drug III, PMDA
The views and opinions expressed in the following presentation are those of the individual presenter.

User fee in the following presentation is the fee in Mar 2014.
1. Incentives
1. Incentives

There are five major incentives for development of orphan drugs/medical devices in Japan.

1. Subsidy payment
2. Consultation
3. Preferential tax treatment
4. Priority review
5. Extension of re-examination period
1.(1) Subsidy payment

- Orphan drug/medical device applicants can receive subsidies through the National Institute of Biomedical Innovation (NIBIO) to reduce the financial burden of product development.
- The total budget for financial year 2012 was 880 million yen (5.1 million GBP/6.3 million EUR/8.6 million USD).
1.(2) Consultation

- PMDA provides a priority consultation system.
- In case of orphan drugs, PMDA always accept “Application for consultation” from sponsor.
1.(2) Consultation

- Lower user fee categories for PMDA’s consultation are applicable to designated orphan drugs. *(about 25% discount)*

<table>
<thead>
<tr>
<th>Categories of Scientific Consultations</th>
<th>User Fees for Non-orphan Drugs (per consultation)</th>
<th>User Fees for Orphan Drugs (per consultation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation before start of phase I study</td>
<td>4,239,400 yen</td>
<td>3,186,100 yen</td>
</tr>
<tr>
<td>Consultation before start of early phase II study</td>
<td>1,623,000 yen</td>
<td>1,222,500 yen</td>
</tr>
<tr>
<td>Consultation before start of late phase II study</td>
<td>3,028,400 yen</td>
<td>2,274,200 yen</td>
</tr>
<tr>
<td>Consultation after completion of phase II study</td>
<td>6,011,500 yen</td>
<td>4,515,700 yen</td>
</tr>
<tr>
<td>Pre-application consultation</td>
<td>6,011,400 yen</td>
<td>4,513,000 yen</td>
</tr>
<tr>
<td>Additional consultation</td>
<td>2,675,600 yen</td>
<td>2,010,400 yen</td>
</tr>
<tr>
<td>Consultation on GLP/GCP compliance</td>
<td>2,875,500 yen</td>
<td>2,157,200 yen</td>
</tr>
</tbody>
</table>

Note: 0.006GBP = 1 JPY  
0.007EUR = 1 JPY  
0.01USD = 1 JPY
1.(2) Consultation

- PMDA started “Pharmaceutical Affairs Consultation on R&D strategy” in 2011.
- Target of this new consultation category,
  - Regenerative medicine (cellular and tissue-based product)
  - Product for cancer
  - Product for orphan disease, rare disease
  - Product for children
  - Other innovative product
Review team and Technical Experts (i.e. non-clinical trial, intellectual property strategy) suggest effective development plan.
Pharmaceutical Affairs Consultation on R&D strategy

- Sponsor can contact Technical Experts after the consultation to clarify unclear points.
- Example of question/discussion point
  - Tentative spec of active pharmaceutical ingredient and dosage
  - Non-clinical dataset to initiate first-in-human trial
  - Protocol assistance in non-clinical study
  - Protocol assistance in clinical trial (from first-in-human to proof-of-concept study)
  - Development strategy
Pharmaceutical Affairs Consultation on R&D strategy

- Lower user fee categories are applicable to small company and researcher of college/research institute*. (about 90% discount)

  * Small company: meeting all the following conditions
    1) employee ≤ 300 or capital fund ≤ 300,000,000 yen
    2) any another company doesn’t occupy a half of stake/stock.
    3) any other companies don’t occupy two third of stake/stock.
    4) no profit in the current term (or no operating revenue when posts current profit)

  Researcher: meeting all the following conditions
  1) Grant from government; drugs ≤ 90,000,000 yen medical devices ≤ 50,000,000 yen
  2) no R&D fund from company

<table>
<thead>
<tr>
<th></th>
<th>User Fees for Large company/ researchers (per consultation)</th>
<th>User Fees for Small company/ researchers (per consultation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drugs</td>
<td>1,498,800 yen</td>
<td>149,800 yen</td>
</tr>
<tr>
<td>Medical devices</td>
<td>849,700 yen</td>
<td>84,900 yen</td>
</tr>
</tbody>
</table>

Note: 0.006GBP = 1 JPY
0.007EUR = 1 JPY
0.01USD = 1 JPY
1.(3) Preferential tax treatment

- 12% of study expenses for orphan drug/medical device incurred (not including subsidies granted by National Institute of Biomedical Innovation (NIBIO)) during the NIBIO subsidy payment period can be reported as a tax credit.
1.(4) Priority review

- PMDA provides a priority review system.
  - Standard review time (median)
    Non-orphan drug : 12 month
    Orphan drug : 9 month

- Lower user fee is applicable in NDA of orphan drug.
  (about 25% discount)
  Non-orphan drug : 30,347,700 JPY/application
  Orphan drug : 23,220,100 JPY/application

Note: 0.006GBP = 1 JPY
0.007EUR = 1 JPY
0.01USD = 1 JPY
1.(5) Extension of re-examination period

- Exclusive period ("Re-examination period" in Japan) is extended for orphan drugs.
  - Non-orphan drug : 8 years (NME)
  - Orphan drug : 10 years (NME)
1. Incentives

- There are five major incentives for development of orphan drugs/medical devices in Japan.
  
  (1) Subsidy payment
  (2) Consultation
  (3) Preferential tax treatment
  (4) Priority review
  (5) Extension of re-examination period
## 1. Incentives

<table>
<thead>
<tr>
<th>Incentive Type</th>
<th>JAPAN</th>
<th>EMA</th>
<th>FDA</th>
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</thead>
<tbody>
<tr>
<td>Grants from regulatory competent authorities</td>
<td>from NI BJO</td>
<td>from European Commission and other sources</td>
<td>Orphan products grants program</td>
</tr>
<tr>
<td>Scientific advice (protocol assistance and/or consultation for development)</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Special incentives for SME sponsors</td>
<td>Pharmaceutical Affairs Consultations on R&amp;D Strategy</td>
<td></td>
<td>small business assistance</td>
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<tr>
<td>Financial incentives</td>
<td>Tax Exemption Law 12% of expenses</td>
<td>Member states incentives</td>
<td>50% federal Tax credit for clinical research</td>
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<tr>
<td>Accelerated review in Marketing authorization</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Fee reduction for marketing-authorization application</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Market exclusivity</td>
<td>10 years</td>
<td>10 years</td>
<td>7 years</td>
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</table>
2. Orphan drug development in Japan
2. Orphan drug development in Japan

![Graph showing orphan drug development in Japan from 2000 to 2012. The x-axis represents years from 2000 to 2012, and the y-axis represents the number of orphan drugs. The graph categorizes drugs into four groups: Designated, Approved, In development, and Revoked. Each year shows the number of drugs in each category.]

- **Designated**: Blue bars, indicating the number of drugs designated as orphan drugs.
- **Approved**: Red bars, showing the number of approved orphan drugs.
- **In development**: Green bars, representing the number of orphan drugs in development.
- **Revoked**: Purple bars, depicting the number of drugs whose status was revoked.
2. Orphan drug development in Japan

- In Japan, there is no documented guidance/guideline for developing orphan drugs.
- Clinical data package is discussed in each product, considering about number of patients, severity of disease, existing treatment, feasibility, extent of establishing efficacy/safety data, and so on.
- To the present, time to start development lag behind EU/US in almost all product.
- In many cases, domestic clinical trials for designated orphan products have been conducted.
2. Orphan drug development in Japan

Typical example of orphan drug development in Japan

- Indication: severe, progressive inherited disease
- Patient number: about 150 (in Japan)
- There is phase 2/3 trial in EU and US evaluating clinical function, in 18 month.
2. Orphan drug development in Japan

Typical example of orphan drug development in Japan

- Phase 3 trial in Japan was conducted to confirm the safety of Japanese patients and similarity of efficacy between Japanese and EU/US patients.

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<thead>
<tr>
<th>Year</th>
<th>2003</th>
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<th>2011</th>
<th>2012</th>
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<tr>
<td>Start of Development In EU/US</td>
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<td>phase 2/3 trial in EU/US</td>
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<td>Clinical trial Consultation In Japan</td>
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<tr>
<td>phase 3 trial in Japan</td>
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*Pharmaceuticals & Medical Devices Agency*
2. Orphan drug development in Japan

- Japan would like to contribute to the establishment of efficacy and safety of new drugs in the world.

Please remember and consider to recruit Japanese patients for global trial.

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- **Start of Development in EU/US**

- **Clinical trial Consultation**

- **phase 2/3 trial in EU/US/Japan**

- **phase 3 trial in Japan**
2. Orphan drug development in Japan

  

- Number of global clinical trials is increasing.
Thank you for your attention.

Information
- PMDA Orphan Working Group
  http://www.pmda.go.jp/english/service/projects_am_e.html
  e-mail: nitta-akiko atmark pmda.go.jp
- PMDA Homepage
- Speaker
  e-mail: takeda-hiroshi atmark pmda.go.jp