



interview last week with Acas's new chief executive Niall Mackenzie on his plans for artificial intelligence, in which he said: "Wouldn't it be lovely if the two parties [in a dispute] could submit their claims against each other in writing and the machine made the decision?"

At present, Acas doesn't make decisions — it simply helps the two sides to come to a settlement. So this is an embryonic idea for the future: perhaps as an option to be presented to the parties on the way to tribunal. But it is an interesting question nonetheless. Would it be "lovely" for machines to make decisions like these? And lovely for whom?

You can see why it would be an attractive prospect for somebody like Mackenzie, who is faced with rising demand and a constrained budget. Acas is expecting a large uplift in the number of disputes referred for early conciliation once the Labour government introduces a raft of new employment rights. Indeed, across the public sector, Number 10 is encouraging civil servants to investigate how AI could save money in the face of rising demand.

Despite AI's appeal, it is not clear how employers and employees would feel about it settling their disputes

More recently, the recruitment sector has suffered from another problem: job candidates have begun to use AI to write their applications and do their assessments for them, giving those who can afford the best paid-for models a potential advantage. One can imagine a similar dynamic emerging in the justice system, whereby an AI system judges submissions that are also written

by AI. Of course, the playing field is already unlevel when a large employer faces an unrepresented claimant. But it's not obvious the use of AI would level it.

All that said, there might be a case for AI in straightforward situations that require a complex but mechanical calculation, such as the amount of unpaid holiday pay due to an employee.

But even then, would the losing party accept the outcome? "In my experience, a lot of people are actually prepared to accept losing in court [or] in a tribunal, as long as they feel like they've had a fair process," Jacob Gifford Head, a barrister and mediator, told me. Did he think "computer says no" would feel like a fair process? "I can't see us getting there."

That is partly because one aspect of "fairness" is feeling that you have really been heard. Indeed, reading the testimonials in Acas's annual report, it is clear this is part of how their conciliators succeed in keeping cases out of the tribunals. One person said her conciliator had given her "the space to present my argument without feeling rushed"

Can a machine be just?

Opinion

How Novo Nordisk failed to protect its GLP-1 patent

Luke McDonagh

Novo Nordisk's escalation of lawsuits against the US pharmacies that sell discounted obesity and diabetes drugs has raised an important question about pharmaceutical intellectual property. How should we balance corporate R&D incentives with fair access to drugs?

During drug shortages, the US Food and Drug Administration (FDA) permits compounding pharmacies — facilities with the capacity to make their own versions of drugs — to produce medications that are otherwise unavailable. These exceptions were not designed for mass production. Yet when Novo Nordisk's blockbuster drugs, sold under the brand names Wegovy and Ozempic, faced a shortage in 2022, pharmacies exploited the loophole.

Semaglutide, the active ingredient in Wegovy and Ozempic, has proved to be the perfect product for compounders — relatively easy to produce and in high demand. This has created a new parallel market for patients who would have otherwise been unable to obtain the branded versions of GLP-1 medication, either due to a lack of health insurance or high prices.

In one sense, the US is in the midst of a remarkable experiment in distributed production of a scarce health product — prioritising patient access over artificial scarcity created by IP monopolies. It resonates with prior access crises over HIV/Aids drugs and Covid-19 vaccines.

On the other hand, the impact on Novo Nordisk has been significant. IP offers market exclusivity, which phar-

Traditional IP tools have proved insufficient against pharmacy compounders making weight-loss drugs

maceutical companies argue is needed to recoup research investments. Losing market share, it was forced to cut prices and lower sales forecasts. The CEO has since left the company.

Novo Nordisk's frustration is understandable. Despite holding a portfolio of patents on semaglutide, its IP arsenal has proven surprisingly ineffective. The enforcement problem is structural. Unlike taking action against generic manufacturers — which are typically large-scale operations, Novo must prove its rights are being infringed by independent compounding pharmacies scattered across the US.

Over the past three years, the Danish drugmaker has filed dozens of lawsuits and dispatched over 1,000 cease-and-desist letters. In many cases Novo has not even asserted its patents, preferring to argue that compounders have breached trademark and regulatory law. This has yet to stem distributed manufacturing of copycat semaglutide.

Novo Nordisk's IP struggles continued even after the FDA's May deadline that compounding should end as shortages were over. This has forced the company to shift strategy. Its recent call for US import restrictions on active pharmaceutical ingredients represents a move from direct patent and trademark enforcement to supply chain control. It is an acknowledgment that tradi-



Pentagon has also just dismissed the head of the Defence Intelligence Agency — who upset Trump by not endorsing the claim that Iran's nuclear programme has been obliterated. The head of the Bureau of Labor Statistics was sacked in early August for publishing a jobs reports that displeased the president. Tulsi Gabbard, the director of national intelligence, recently announced that she was withdrawing the security clearances of 37 senior US intelligence officials — who were apparently suspected of disloyalty.

With armed members of the National Guard now patrolling Washington DC, Trump has announced his plans to take similar action in Chicago. He also ordered the Pentagon to create new National Guard units to combat civil disorder. And he signed an executive order that sought to punish flag burning with a year in prison.

In recent days, the FBI has raided the house of John Bolton — who was once Trump's national security director but became an outspoken critic of the president. Kilmar Armando Abrego Garcia,

is part of the point. There is no time to dwell on one particular outrage because it is followed so swiftly by another.

That is why it is important, every now and then, to pause — and simply take stock of what is going on.

So here is a list of recent actions taken by the Trump administration. Last week, the president announced that he was firing Lisa Cook, a governor at the Federal Reserve, "effective immediately" — intensifying his assault on the independence of the central bank. Cook is accused of making false statements on a mortgage application — an allegation also employed against other foes of Trump, such as Senator Adam Schiff.

Then the White House fired Susan Monarez, the head of the US Centers for Disease Control and Prevention. The

The insistence on absurd and public flattery for the leader is a hallmark of authoritarianism

lately, Investigate former president Obama for "treasonous conspiracy". We're on it, sir!

At the televised cabinet meeting, Trump mused that he has "the right to do anything I want to do." As he explained: "If I think our country is in danger... I can do it."

Those statements encapsulated two crucial ideas that underpin strongman authoritarianism. The first is the constant insistence that the nation faces a crisis that requires drastic measures. The second is the claim that the supreme leader alone gets to decide what is done. "L'état, c'est moi", as Louis XIV famously put it.

Trump's assertions came in the context of a rambling discourse, in which he actually denied wanting to be a dictator — while using the familiar "most people are saying" formulation — to suggest that a dictator might not be such a bad idea after all.

You would not know it from the cabinet meeting but Trump's approval ratings hit a historic low of 37 per cent last week. But the president's authoritarian turn has so far not been characterised by a single, shocking act that announces that democratic government has definitively come to an end. There has been no equivalent of a general seizing control of the national television station.

Instead, Trump has pushed ahead with a blizzard of smaller actions that are eroding the norms of democratic government with increasing speed. There are so many of these measures that it is hard to keep track. That, surely,



resident, I invite you to our big beautiful face banner in front of the department of Labor." It was the US Labour vez-DeRemer, speaking during a marathon last week.

For praise is insatiable and demeaned them. Steve Witkoff, peace envoy, told the was "the single finest for the Nobel Peace t, Treasury secretary, saved this country."

an absurd and public ader is a hallmark of Nicolae Ceaușescu, or of Romania, was official media as "the arpathians". Stalin's and of paying tribute us."

forced sycophancy is s — it is dangerous. It omaniac is in charge els able to stand up to mate, Trump's every ndulged. Send the to Washington? Abso-

Reeves is running out of time