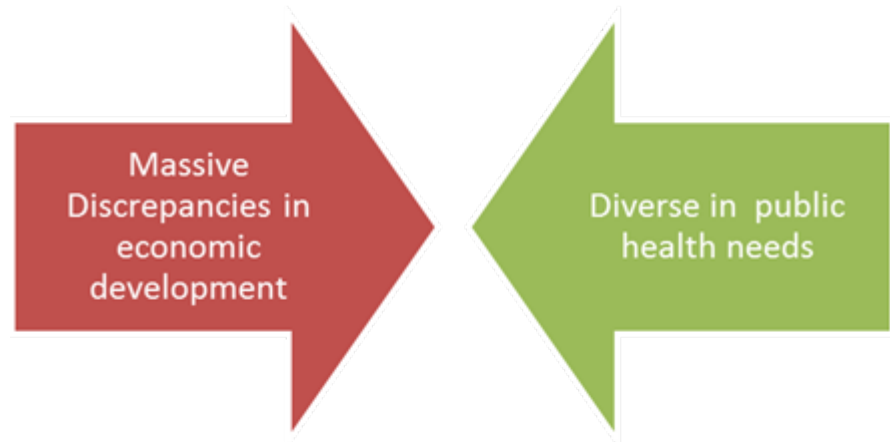


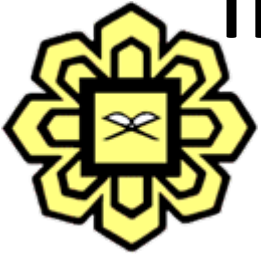


IP and public health The regional perspective

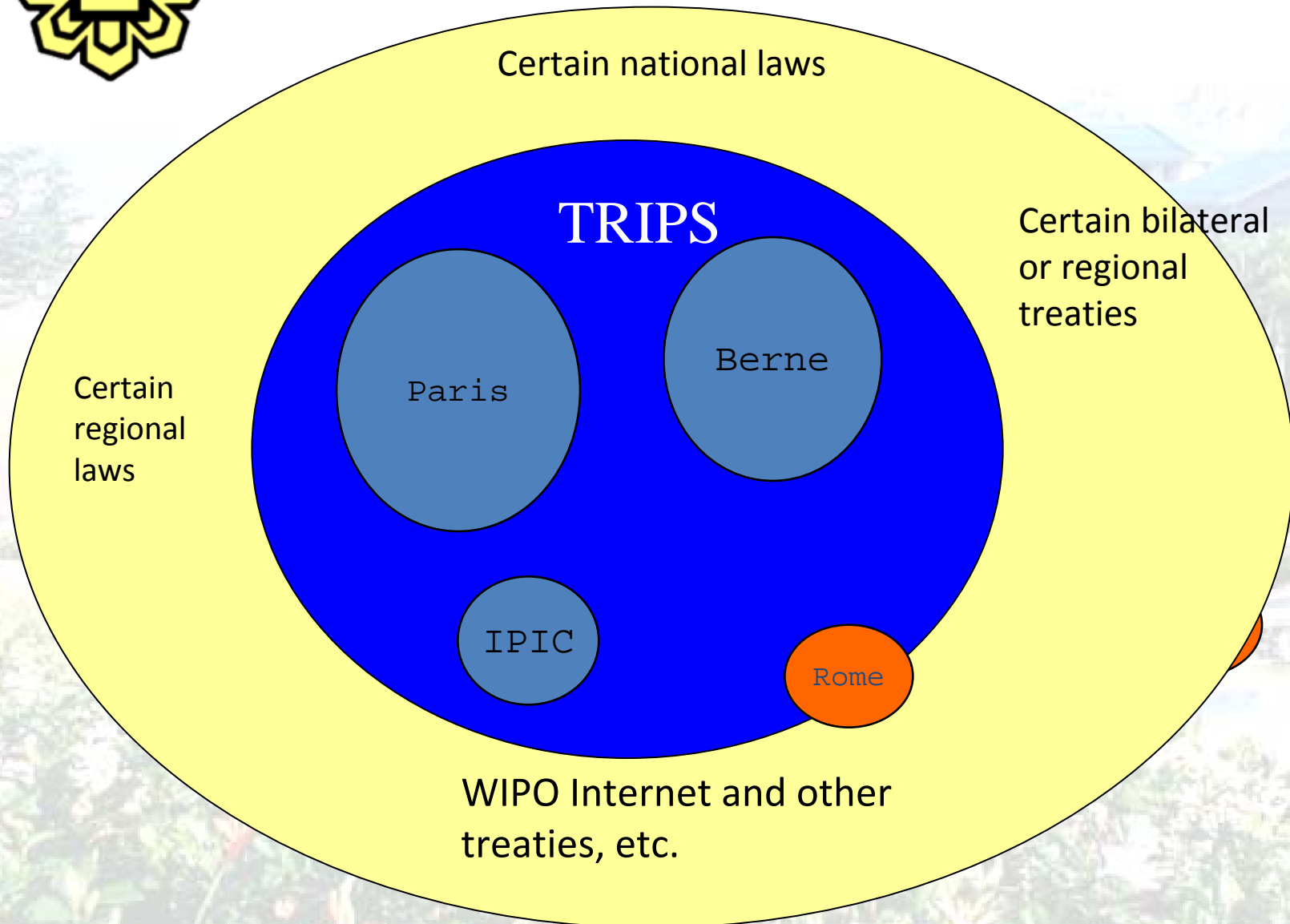
Ida Madieha bt. Abdul Ghani Azmi
International Islamic University
Malaysia

What do we know about the Asia Pacific Region?





The "IP world" : Paris, Berne; Paris and Berne plus (TRIPS); beyond TRIPS





What do we know about IP laws?

supranational

WTO Agreements

WTO Dispute
Settlement Body

Trade pacts

BITs, FTAs, RTAs

Arbitration

national

Domestic IP
legislation
Related regulation

National courts



Overriding consideration?

Art 8

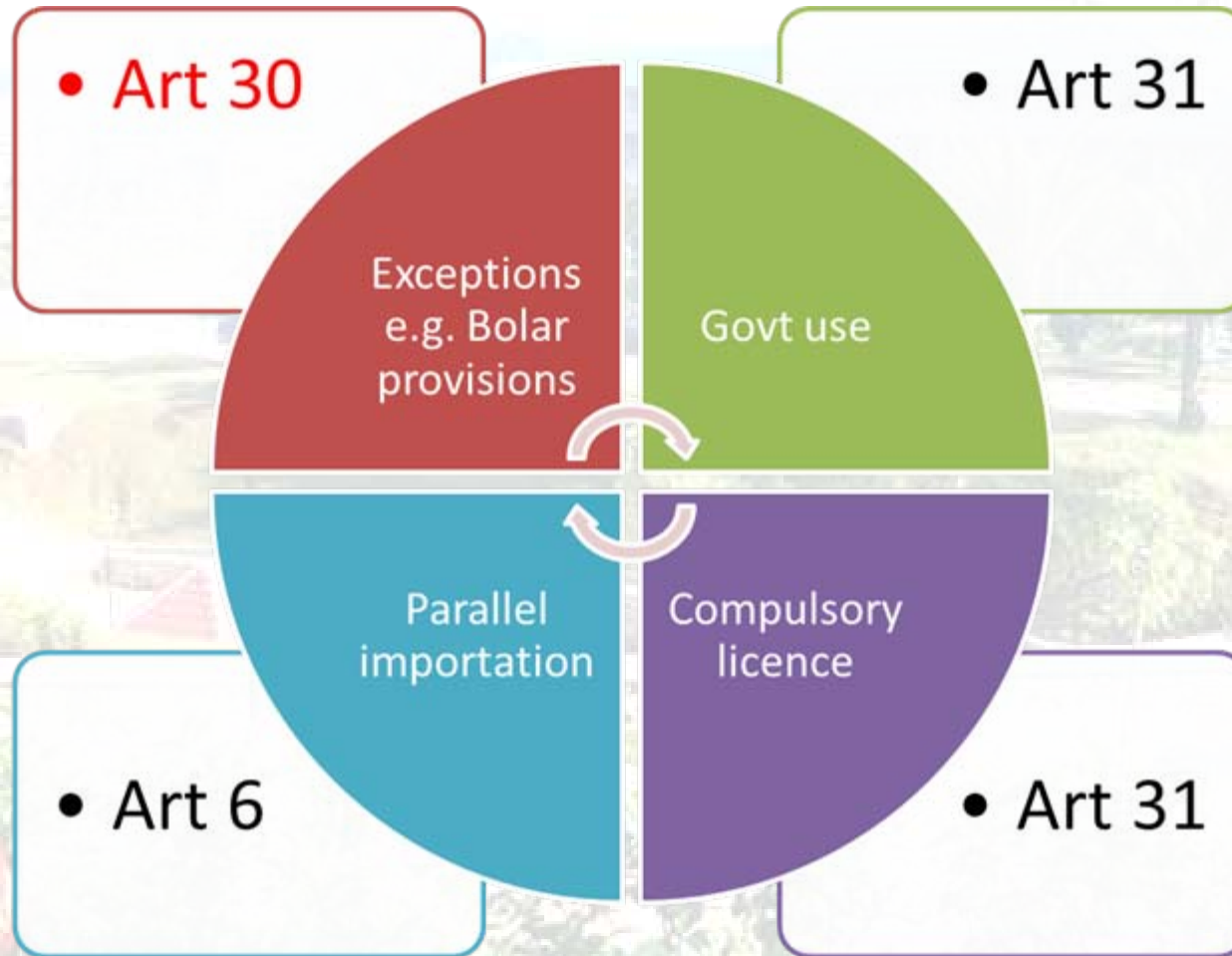
- Members **may**, in formulating or amending their laws and regulations, **adopt measures necessary to protect public health and nutrition**, and to **promote** the public interest in sectors of **vital importance** to their socio-economic and technological development, provided that such **measures are consistent** with the provisions of this Agreement

Doha Declaration

- We agree that the **TRIPs Agreement does not and should not prevent Members from taking measure to protect public health**" ... we affirm that the **Agreement can and should be interpreted and implemented in a manner supportive of WTO Members' right to protect public health and in particular, to promote access to medicines for all**"
- In this connection, we reaffirm the right of WTO Members **to use, to the full**, the provisions in the TRIPs Agreement, which provide flexibility for this purpose



TRIPS flexibilities





Between binding minimum standards and policy space

Text

- Textual interpretation? Drafting history
- Purposive? Pro IP or pro health?
- Contradictions? Gaps?

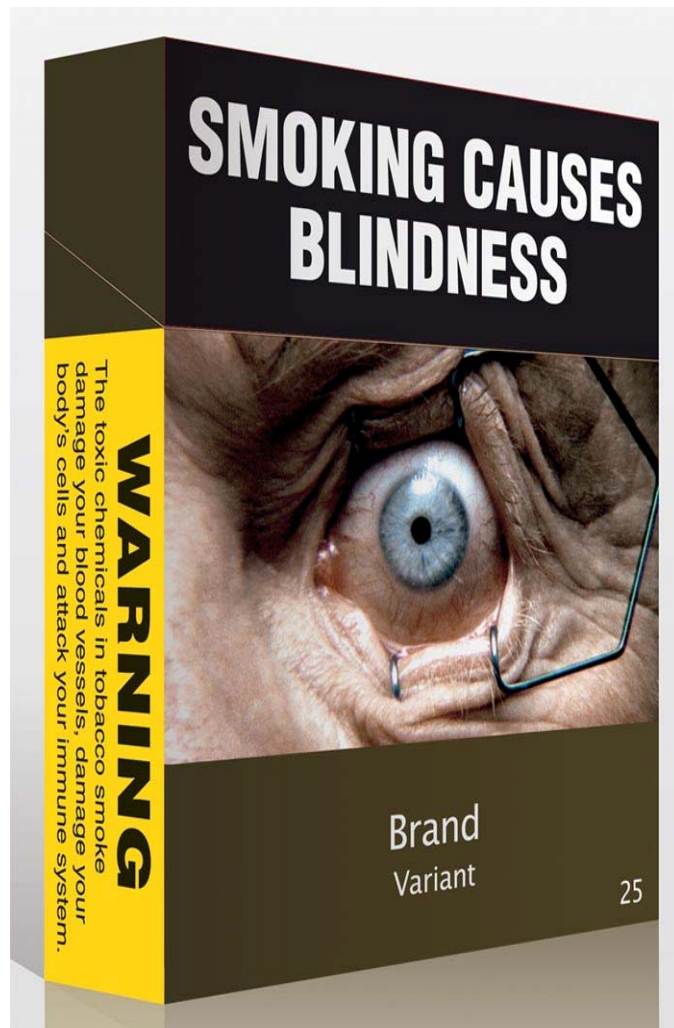
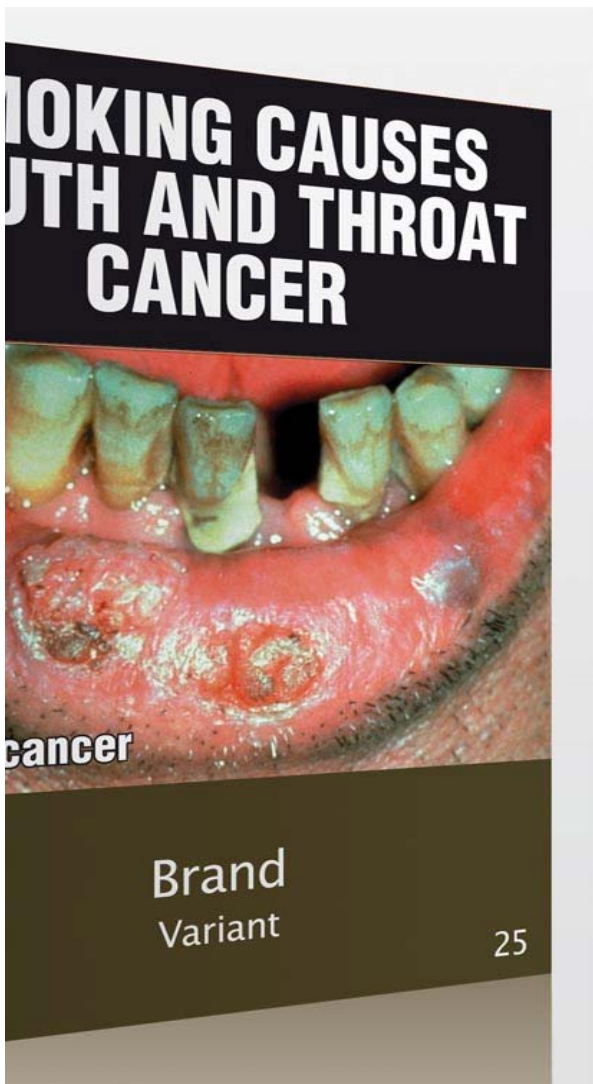
Practical

- How and when can invoke the safeguard?

Strategy

- How to leverage on the flexibilities?

Plain packaging



预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7537

