

TRIPS and Access to Medicines

WR Briefing

Outline

- What is TRIPS
- How does it affect access to medicines
- What are the TRIPS flexibilities?
- What are extra-TRIPs provisions?
- How do the extra-TRIPS provisions affect access? How are they implemented?
- Why are we concerned?

TRIPS

- Establish minimum standards for protecting and enforcing intellectual property rights
- Objectives:
 1. Promotion of innovation
 2. Transfer and dissemination of technology

TRIPS

Issues relevant to health

- Patents
 - Trademarks
 - Undisclosed information and trade secrets
 - Test data
- A minimum standard of protection must be in place

TRIPS

Patents

Requirements of patentability

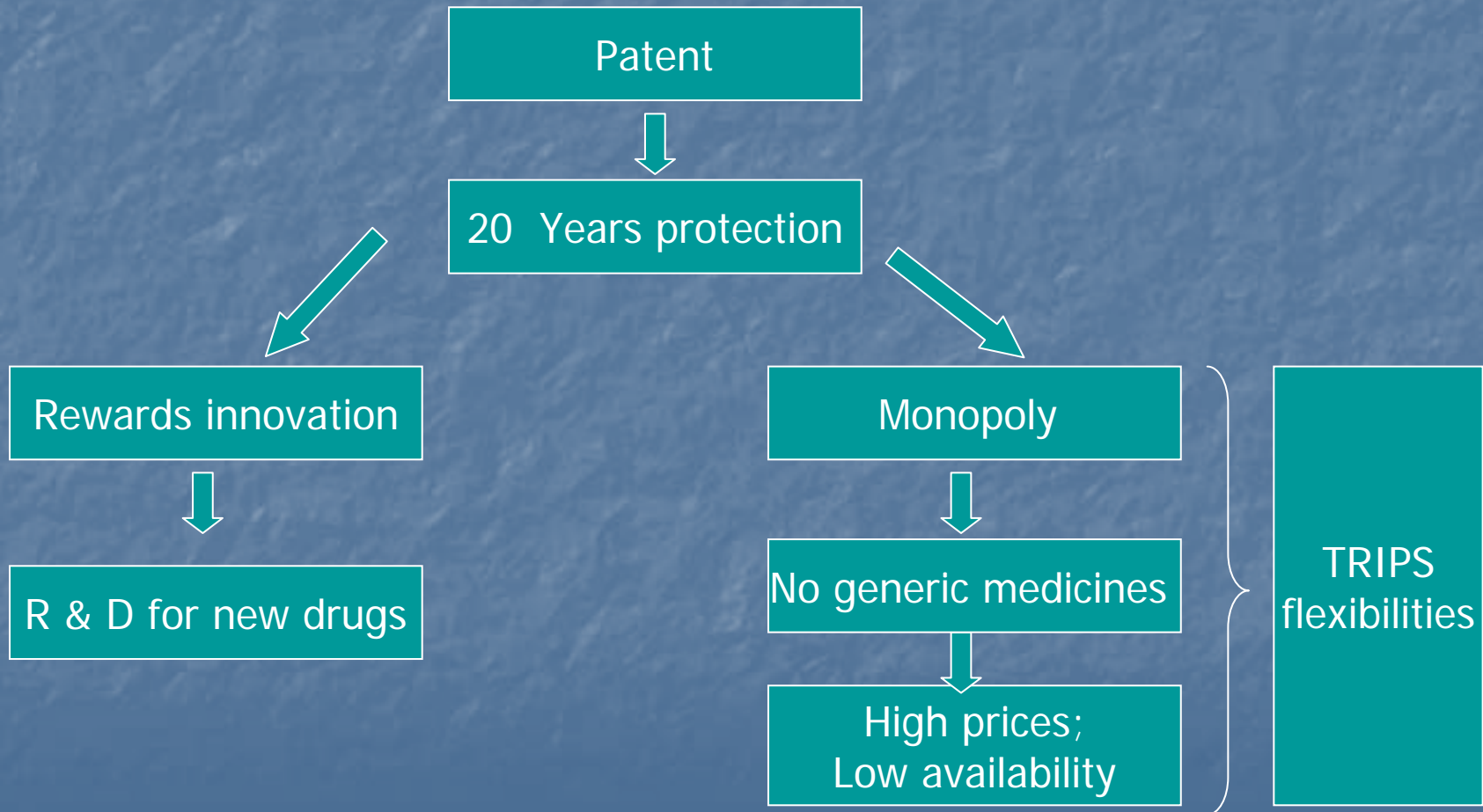
1. New
2. Involves an inventive step
3. Industrially applicability
4. After term of protection, it will fall into public domain and become free and usable by all

Art 8: WTO members can adopt measures necessary to protect public health and nutrition and to promote public interest

TRIPS

- When can government refuse grant of patents?
 1. Inventions that may harm human, animal or plant life or health;
 2. Diagnostic, therapeutic and surgical methods
 3. Biological processes

TRIPS: How does a patent work



TRIPS: Flexibilities

Provision

Patented products for research and early registration of

Compulsory licensing

allows a third party to produce a patented product or use a process with/without consent of the owner

Parallel importation

Importation of a patented product from a country where it has been marketed by the patent holder or with their consent

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_7538

