

Intellectual property & public health

- IP grants exclusive rights (legal monopolies, high prices)
- Public health: access to medicines as a human right

Evolution of IP standards

- From full flexibility(e.g. non patents on pharmaceuticals) to minimum standards
- TRIPS AGREEMENT (1994/2000) – substantive rules & enforcement

TRIPS FLEXIBILITIES

- DEFINITION OF 'INVENTION'
- PATENTABILITY STANDARDS
- PRE & POST-GRANT OPPOSITION
- EXCEPTIONS
- COMPULSORY LICENSES
- TEST DATA PROTECTION
- PARALLEL IMPORTS

TRIPS PLUS in FREE TRADE AGREEMENTS

- Patentability of second uses
- Drug registration-patent linkage
- Extension of patent term for pharmaceuticals
- Data exclusivity
- Limitations on parallel imports

IMPLICATIONS OF TRIPS-PLUS

- GENERIC COMPETITION DELAYED
- HIGHER PRICES, LESS ACCESS
- REDUCED LOCAL PRODUCTION
- NO INCENTIVE TO INNOVATE LOCALLY

FTA MERCOSUR-EU

- NO PATENT TERM EXTENSION
- NO DATA EXCLUSIVITY