

Patents and Public Health: Legalising the Policy Thoughts in the Doha TRIPS Declarations of 14 November 2001 (Munich Intellectual Property Law Center - MIPLC)



Do patent rules prevent countries from acquiring affordable medicines? A number of legal experts and governments have felt that the WTO - in particular with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) - forces countries to favor patents over public health. The WTO sought to settle this dispute by concluding the Public Health Declaration. This dissertation closely analyzes the legal situation within the WTO prior to the Declaration and the consequences that resulted from it. The book discusses the value of the changes, nationally and internationally, and the extent to which it makes the access to medicines more affordable. It addresses not only the mere assessment of the positions of pro-patent countries, but also takes a look at the obligations that developing countries have internationally and to their citizens. The analysis in this book is a comprehensive aid to lawyers as it explains the scope and purpose of the TRIPS Agreement provisions. It will assist politicians and lobbyists by demystifying the treaty texts and by indicating the boundaries of lawful governmental action. Public health representatives will be able to use this book to implement health care measures in a lawful way, both nationally and internationally.

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