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**gLAWcal
Comment**

#313

**BALANCING INTELLECTUAL
PROPERTY RIGHTS AND ACCESS
TO LIVE-SAVING MEDICINE**

Based on

Jayashree Watal “Public Health, Intellectual Property Rights, and Developing Countries’ Access to Medicines”



A gLAWcal comment on Jayashree Watal "Public Health, Intellectual Property Rights, and Developing Countries' Access to Medicines" in Paolo Davide Farah and Elena Cima (Eds.) **China's Influence on Non-Trade Concerns in International Economic Law**

Medicine, namely life-saving medicine, and the research and protection of the intellectual property that resulted in that medicine coming to market are two hugely converse considerations that public policy makers have to balance. In the public health sphere, there is often the greatest consideration for the elimination and reduction of horrific disease, many of which require the introduction and use of patented medicines. Another part of that same government will be acutely considerate of the intellectual property rights, patent law, and other legal protections for the company who produced that live-saving medicine. There are entire regulatory schemes that allow for free, or heavily subsidized medicines to be imported to areas of great need that would otherwise be unable to access that medicine if asked to pay

full price for it. Additionally in private insurance-driven markets, there is often a fragmented pricing scheme of "who pays for what" when it comes to the actual dispensing of medicine. The shielding of actual price for these consumers of prescribed medicine, further complicates the regulation of these products, as individuals that must pay near full prices will feel some sense of resentment toward the profit seeking aspect of drug research and manufacturing. It would be at the behest of the legislative branch to champion reduction of the price of these products, but again, another part of that same government will be specifically concerned with maintaining and regulating the efficacy and safety of these products. Simply, if there are not recovery methods (profits) for these business endeavors, there is little incentive for new and widely available problem-solving medicines.

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OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal's publication results.



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