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**gLAWcal
Comment #316**

**PUBLIC HEALTH CONSIDERATION
OF THE TRIPS AGREEMENT**

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**

Yet another consideration that a regulatory part of a government must grapple with is the international TRIPS agreement as it speaks to the requirement of extending patent protections for biotech and drug manufacturing. When a product is produced in the nation of Germany that is novel, and worthy of patent protection in their own nation, it is simply able to be patented in every other reciprocating nation. Now this certainly complicates the process of patent protection, but it is not an impossible consideration. There are often occasions of convergent thought, producing similar outcomes in very different areas of the globe. But more often, there is intentional infringement of the intellectual property of drug manufacturers in one nation area of the by a manufacturer in the same, or maybe different

nation. The TRIPS agreement does not prevent public health concerns to be entered into the extent to which patent protections are to be provided, but it certain states that there is no mechanism to completely prevent public health concerns from being entered. This ambiguity may complicate the regulation, but this discretion is necessary when it is an agreement that is to cover every member state, as varied as they come. The agreement recognizes that different areas have different considerations for patent protections, and different considerations for public health concerns native to their populations. This allowance for discretion should be seen as a positive thing, insofar as each member state plays ball with the minimum for each of these two often opposing forces.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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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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