THE GRADUATE INSTITUTE GENEVA

INSTITUT DE HAUTES ÉTUDES INTERNATIONALES ET DU DÉVELOPPEMENT
GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES

THE DOHA/TRIPS PARAGRAPH 6 SYSTEM: REFLECTIONS FOR GLOBAL HEALTH

SOUTH CENTRE SIDE EVENT AT THE WTO TRIPS COUNCIL:
PARAGRAPH 6 OF THE DOHA DECLARATION ON TRIPS AND PUBLIC HEALTH:
AN EFFECTIVE SOLUTION?
8 NOVEMBER 2016

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SOME REFLECTIONS ON 13+ YEARS

+ Only WTO/TRIPS amendment is for global health
- System not workable – reflected in data: 78/164 (48%)

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TRIPS: ISSUES

TRIPS and public health

Events and briefing on Trade-Related Aspects of Intellectual Property Rights, patents, and pharmaceuticals and public health — including discussions in the WTO's TRIPS Council.

- 2005: **Hong Kong Ministerial Declaration** Paragraph 40 on TRIPS and Public Health
- 2007: Decision to extend deadline for accepting TRIPS Agreement amendment
- 2009: Decision to extend deadline for accepting TRIPS Agreement amendment
- 2011: Decision to extend deadline for accepting TRIPS Agreement amendment
- 2013: Decision to extend deadline for accepting TRIPS Agreement amendment
- 2015: Decision to extend deadline for accepting TRIPS Agreement amendment
- 2015: Decision on the Extension of the Transition Period under Article 66.1 of the TRIPS Agreement for Least-Developed Country Members for Certain Obligations with Respect to Pharmaceutical Products adopted by the TRIPS Council on 6 November 2015. This Decision extends the earlier decision that was taken by the TRIPS Council in 2002 in order to implement paragraph 7 of the Doha Declaration on the TRIPS Agreement and Public Health. Least-developed countries will not have to protect pharmaceutical patents and test data until 1 January 2033

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- Ironically, restricting trade
- Production capacity increasingly concentrated
    - WHO Pre-qualified products: 509
    - Indian manufacturing sites: 70% (358/509)
- Outbreaks and pandemics: from Anthrax to Zika

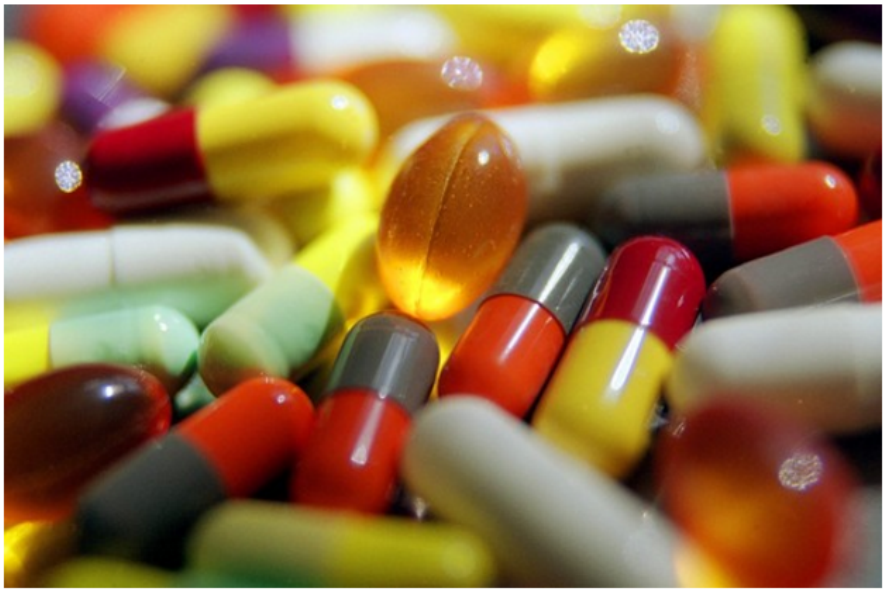
CORPORATE INTELLIGENCE

Why More Indian Generic Drugs Will Make Their Way to the U.S.

By ED SILVERMAN

May 14, 2014 8:48 am ET

0 COMMENTS



PEKKA SAKKI/REX USA/COURTESY EVERETT COLLECTION

Never mind the FDA crackdown on Indian drug makers for quality control problems. Sales of prescription drugs to the U.S. by the Indian pharmaceutical industry likely won't

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- UNSG High Level Panel on Access to Medicines

UNSG HIGH LEVEL PANEL ON ACCESS TO MEDICINES

"WTO Members should revise paragraph 6 decision in order to find a solution that enables a swift and expedient export of pharmaceutical products produced under compulsory license. WTO Members should, as necessary, adopt a waiver and permanent revision of the TRIPS Agreement to enable this reform."

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- Risk of “institutional stickiness” – casting in stone undesirable rules
- 8y → 22+y of TRIPS; 2y → 13+y of Para 6

THANK YOU

Comments welcome:

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