Has any country’s access to pharmaceuticals been limited by TRIPS?

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October 21, 2015

Abstract

The World Health Organization (WHO) estimates that over thirty percent of the less-developed world are unable to get the adequate access to essential medicines. Recognizing that international organizations aim to aid its members in development, the World Trade Organization’s (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is an attempt to improve health care access for all its members. This paper intends to search further into speculation that TRIPS could cause a health crisis for less-developed countries by limiting access to essential medicines and discouraging the creation of disease specific drugs. TRIPS marks one of the first instances that an international trading system introduced intellectual property law; it details minimum standards for which an international patent system was formed. This paper uses the dates countries were required to enforce TRIPS to help determine whether it limited a country’s access to pharmaceutical drugs. The time-line for enforcement of the new guidelines for developed, developing and least-developed countries varies. This paper finds a positive increase in exports of pharmaceutical drugs of developing countries when compared to least-developed countries and negative when compared to developed countries. It also finds that the development classification used to determine when guidelines were enforced may not have been the most conducive for all developing members.

JEL codes: I15, I18, F13, L65, O38