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International Cross-Currents: Improving or Thwarting Access to Medicine

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The goal of this paper is to consider how recent events and proposals fit – or fail – previously declared norms concerning access to medicine. For example, although all WTO countries signed on to the Doha Public Health Declaration in 2001, controversies have continued regarding the ability of developing countries to use various existing options under TRIPS to improve access to medicine, such as compulsory licensing and parallel imports. Similarly, although the WHO adopted a global strategy to foster innovation and access to medicine in 2008, new problems have surfaced in terms of access. For example, shipments of legitimate generic drugs from India have been stopped in the EU on the grounds of patent infringement even though they were destined for other countries, such as Brazil and Nigeria. In addition, there are ongoing discussions of a new international treaty that would create a definition of counterfeit drugs that would undermine the agreement in the Doha Declaration that patent exhaustion is an issue for domestic consideration. My goal is to provide a cohesive picture of these issues, as well as provide some preliminary suggestions for improvement.