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gLAWcal
Comment #320

**THE FUTURE OF INTELLECTUAL
PROPERTY RIGHTS**

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**

Intellectual Property Rights (IPRs) and its protections are one of the greatest considerations of non-trade concerns (NTCs) for many developed nations. There is broad recognition that some nations provide greater consideration and protection for IPRs. When research, manufacturing, and consumption of products were limited to one jurisdiction, it provided somewhat of an even playing field even if different nations treated IPRs differently. In the last many decades, there has been ever increasing globalization of the supply chain from research, manufacture, and consumption of products that could be considered in part as IPRs. Here is where the breakdown and conflict arises. If a nation whose company produces research protected by IPRs outsources their manufacturing process to a nation that has

less-stringent regulation and protection of IPRs, a level of resentment for affording the manufacturing processes to this second nation will begin to arise. These resentments will be funneled up to central government of the first nation, complicating diplomatic efforts between these two nations in conflicting opinion about how much they must protect IPRs. These NTCs are often displayed in trade negotiations, famously in the mid-2010s Trans-Pacific Partnership agreement that hinged heavily on the participation of the US, if China and other Asian nations played ball with their requirements to stay true to TRIPS agreements on the subject. Because of political forces within the US, there was no participation in the final agreement, but this disparity in upholding the IPRs across the many member nations.

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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).

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

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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