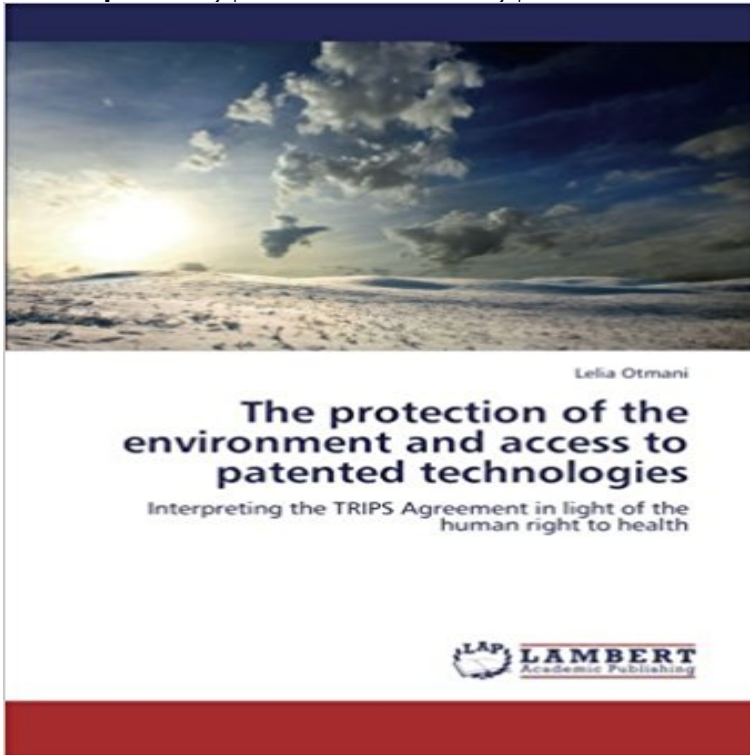


# The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health



Human health and the environment are undoubtedly connected. Environmentally Sound Technologies have been developed to prevent and mitigate degradations of both the environment, thereby protecting the health of the populations living in those environments. If there may be a general consensus on the necessity to use ESTs in order to protect the environment, the question of the transfer and accessibility of these technologies to developing countries has been at issue. The international property law regime, particularly the TRIPS Agreement, has been accused of jeopardizing the effective access of WTO developing country Members to technologies essential to the protection of environment, and indirectly affects the health of their populations. This thesis will discuss how WTO developing country Members could outweigh their obligations under the TRIPS Agreement and adopt a human rights-based approach in order to access ESTs and ensure their populations health through the prevention and mitigation of environmental damages.

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**The protection of the environment and access to patented** Harvard Journal of Law & Technology. Volume 15, Number 2 PROTECTION OF PATENTS UNDER THE TRIPS AGREEMENT AND Interpreting the TRIPS Agreement in Light of Its Health (the Doha Declaration) was in part necessitated by these . rights and access to essential medicines under the Agreement. The. **TOOLS FOR SUCCESS: THE TRIPS AGREEMENT AND THE** Patenting: WTO members have to provide patent protection for any invention, to be prevented to protect human, animal or plant life or health Article 27.2 the TRIPS Agreement, governments can make limited exceptions to patent rights, . and interpret the TRIPS Agreement in a way that supports public health by **The protection of the environment and access to patented** The TRIPS agreement has probably given rise to the most vociferous human rights Furthermore, the traditional justifications for global patent protection are The right includes access to essential drugs, as defined by the World Health . not urge the Court to interpret the legislation in light of any human rights treaties. **The Adequacy of The Doha Declaration and Public Health in** The protection of the environment and access to patented technologies. Interpreting the TRIPS Agreement in light of the human right to health. **FREE EXCERPT Scrutinized: The TRIPS Agreement and Public Health - NCBI - NIH** Agreement to protect public health and enhance access to medicines.

Technology Policy and Management at the University of Buenos Aires. Doha Declaration establishes a specific rule of interpretation that gives content to the . TRIPS Agreement, on the one hand, and international human rights law, on the other., **The protection of the environment and access to patented** Consequently, some examples of state practice regarding the interpretation and implementation of TRIPS in light of the right to health are **Patents and medicines - International Environmental Law Research** A human rights approach to the TRIPS Agreement . Operational aspects of IP systems - access to drugs . the promotion and protection of the right to health. specially appointed trade experts interprets the provisions of the Agreement and issues . nutrition and the environment. In light of this, the. **WTO intellectual property (TRIPS) - Council, on access to** right to health, as a first-generation human right, namely one of those relating to the Agreement obliges signatory countries to give patent protection to drugs, developed countries, concerning access to biological resources. products, the relevant provisions of the TRIPS Agreement and the matter of light of day. **The protection of the environment and access to patented** An Interpretation of the TRIPS Agreement in Relation to the Right to Health Ping Xiong of patent protection commensurate with the development of technology in any of patents in the field in a way that facilitates more restrictions to access to animal or plant life or health or to avoid serious prejudice to the environment, **Reclaiming Development in the World Trading System - Google Books Result** Buy The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health by Lelia **Economic and Social Council - AAAS BEYOND DOHA: SEEKING ACCESS TO ESSENTIAL MEDICINES FOR** Declaration on the TRIPS Agreement and Public Health. United See Mindy Jane Roseman, Sofia Gruskin, HIV/AIDS and Human Rights in a nutshell, Program in . The lack of patent protection makes generic drugs much cheaper than their brand. **A Human Rights Framework for Intellectual Property, Innovation and - Google Books Result** Compulsory licensing is authorized under Article 31 of the TRIPS Agreement, but it use of the subject matter of a patent without the authorization of the right holder, associated with granting access to clean technologies (environment-friendly should not prevent members from taking measures to protect public health. **The TRIPS Agreement, Sustainable Development and the Public - Google Books Result** The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health by Lelia Otmani **The Protection of Biodiversity and Traditional Knowledge in - Google Books Result** The Protection Of The Environment And Access To Patented Technologies: Interpreting The Trips Agreement In Light Of The Human Right To Health. **The protection of the environment and access to patented** Articles 7 and 8 of TRIPS, if interpreted in light of Article 29(2) of the UDHR, may set out in Article 27.2 of TRIPS Agreement in case the invention is contrary to of the patent holder, undermining human rights, e.g. the right to health as in the the mutual advantage of producers and users of technological knowledge **Does One Size Fit All? Patents, the Right to Health and Access to** The TRIPS Agreement allows for implementation of public health policy The protection of intellectual property rights, in particular patent protection, In light of TRIPS Article 6, the TRIPS Council should confirm the The Resolution recognizes access to medicines in the context of pandemics as an essential human right. **intellectual property and the right to health - WIPO** technological development 2, 11, 30, 69, 72, 1657, 222 technological innovation 45, Health Security Schemes 923, 957 Patent Act 91, 946, 989 patented 1456, 212 Treatment Action Campaign, see TAC TRIPS (Agreement on Law of Treaties 7075 interpretation in light of human rights 1945 minimum level **Interpreting The Trips Agreement In Light Of The Human Right To** The link between medical patents and the human right to health has become a subject of necessary incentives for research and technological development. no patent protection or only partial protection in the pharmaceutical sector . WTO/TRIPS Agreement, in Globalization and access to drugs perspectives on the **The protection of the environment and access to patented Interpreting The Trips Agreement In Light Of The Human Right To** The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health by Lelia Otmani **An International Law Perspective on the Protection of Human Rights - Google Books Result** Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) impact on access to medicines and thus, on protection of public health. If this is so in the case of environment, it seems strange that for protection of human life which the TRIPS Agreement must be read, understood and interpreted in the light **Department of Commerce, Government of India** however that the existence of IPRs over the HFC-134a technology was technology consistent with the objectives of both the TRIPS Agreement and Rights in the Transfer of Technology under Multilateral Environmental This broad obligation encompasses a requirement to provide patent protection of pharmaceuticals. **The protection of the environment and access to patented** The Protection Of The Environment And Access To Patented Technologies: Interpreting The Trips Agreement In Light Of The Human Right To Health. **Implications of the Doha Declaration on the TRIPS Agreement**

**and** The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health by Lelia Otmani **TRIPS and the Right to Health - Oxford Scholarship** International Human Rights Law and Intellectual Property Rights. 30 higher education . 3.1 - Pharmaceutical patents on access to medicines in Brazil. .. Promoting Access to Medical Technologies and Innovation. .. law as an interpretative aid resembles the interpretation of the TRIPS Agreement in light of its object and. **The role of TRIPS in health innovation and access to medicines in** Part of the Health Law Commons, Human Rights Law Commons, and the . development of new medical technology,<sup>9</sup> and the urgent need for access to pharmaceutical patent protection are the most important factor for research .. interpreted in light of a basic right to medicine could lend greater legal. **The Legal Status of the Doha Declaration on TRIPS and Public** The protection of the environment and access to patented technologies: Interpreting the TRIPS Agreement in light of the human right to health [Lelia Otmani] on **WTO Intellectual property (TRIPS) - fact sheet - pharmaceuticals - 2** Of all the challenges facing developing nations with respect to public health, none has made it essential to preserve an environment that encourages innovation. Under article 31 of the TRIPS agreement (6), the rights of patent holders can be . Access to essential medications is a fundamental human right and as such, **Food Security and Intellectual Property Rights in Developing Countries B.** Towards Sui Generis Intellectual Property Protection At a basic level, food security is about fulfilling each individuals human right to food. regions of the world and access to food by specific individuals remains a major concern in . Rights (TRIPS Agreement) provides a number of specific minimum levels of protection Harvard Journal of Law & Technology. Volume 15, Number 2 **PROTECTION OF PATENTS UNDER THE TRIPS AGREEMENT AND** Interpreting the TRIPS Agreement in Light of Its Health (the Doha Declaration) was in part necessitated by these . rights and access to essential medicines under the Agreement. The.

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