TRIPS and TRIPS Plus Impacts in Africa

Ikechi Mgbeoji, Osgoode Hall Law School of York University

Document Type
Book Chapter

Publication Date
2007

Source Publication

Abstract
The emergence of the World Trade Organization (WTO) as the juridical framework for global trade is one of the most fundamental changes in the second half of the last century. No less epochal is the linkage of intellectual property rights (hereafter, IPR) issues to global trade governance. Prior to the WTO era, matters of IPR at the global level were usually dealt with at various fora of the United Nations, especially the United Nations Conference on Trade and Development (UNCTAD) and the World Intellectual Property Organization (WIPO).

The implication in this transformation has not been lost on commentators. Vincent Chiappetta describes TRIPS as a 'dramatic shift away from the traditional view that intellectual property law primarily serves the interest of national cultures, values, and politics'. On his part, Endeshaw opines that 'the characterization of intellectual property lawmaking and enforcement as a trade issue was a shrewd device which transposed the internal policies and legal formula concocted by the US in 1974 to the international fora from 1984 onwards'. No matter the perspectives on the changes wrought by TRIPS, there is a consensus that the annexing of intellectual property rights issues by the WTO under the Agreement on Trade-Related Aspects of Intellectual Property Rights, hereafter TRIPS, is a radical restructuring of world trade.

Comments
© Oxford University Press
By permission of Oxford University Press.
www.oup.com

Repository Citation
https://digitalcommons.osgoode.yorku.ca/scholarly_works/192

Implementation of the TRIPS Agreement’s intellectual property standards is having a considerable impact on access to medicines and public health. By limiting competition and local manufacturing, the danger is that TRIPS extends high drug prices and worsens the access to medicines crisis. With TRIPS, life-saving medicines are considered in the same vein as mere consumer goods and the devastating impact of high prices is mostly ignored. The balance between the private interests of the patent holder and the larger interests of society is severely skewed. It didn’t take long for the issue to come ... Data exclusivity and other TRIPS plus provisions are frequently pushed as a part of free trade agreements between developed and developing countries. More on this issue. Filter by.