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Intellectual Property Rights

Lembaga Pengkajian Hukum Internasional
Fakultas Hukum Universitas Indonesia
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Editorial

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TRIPS Agreement and Pharmaceutical Patent Protection in Indonesia

Cita Citrawinda

Promotion and improvement protections in intellectual property rights (IPRs), particularly in the developing countries with weak tradition in the protection of IPRs has become new major factor that potentially affecting state’s ability to guarantee the access to drugs. Access to drugs is the main issue in public health, especially regarding to patent that has impact on drugs prices. This article discusses how Indonesia, as one of developing countries, can ensure access and protection of the IPRs in drugs issues.

Keywords: Trips, Pharmaceutical Patent, Compulsory License

. Introduction

The introduction and expansion of intellectual property protections in countries around the world, particularly developing countries with weak traditions of intellectual property protection, is a major new factor potentially impacting on countries’ ability to ensure access to drugs. Access to medicines as human rights to obtain health service has occurred as main issue in the public health, particularly with regard to patent that has impact to the medicine prices. Pharmaceutical patent gets more obvious after establishment of the Trade-Related Aspects of Intellectual Property Rights (TRIPs), agreement in the World Trade Organization in 1995. The agreement obligated the WTO members to include medicines in the regime of patent product and patent process.²

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