Georgetown Law

The course reviews and analyzes, through a combination of lectures, class discussions, student presentations and case studies, the principal legal and economic policy issues that arise from the interface between international trade, intellectual property rights and public health. This includes a focus on the relevant provisions of the TRIPS Agreement and subsequent WTO instruments, and past and on-going work at the WHO.

**Part I** of the course provides an introduction to the international legal framework relevant to trade and health, including the relevant WTO agreements, such as the General Agreement on Tariffs and Trade (GATT), the Agreement on Technical Barriers to Trade (TBT Agreement), the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement) and the General Agreement on Trade in Services (GATS). Before turning to the details of the provisions of the TRIPS Agreement relevant to public health, an introduction is given to the law and economics of intellectual property, especially in relation to medical technologies. Each relevant provision of the TRIPS Agreement is then explained in the context of its negotiating history in the Uruguay Round and any relevant WTO disputes, such as the "India mailbox" and the "Canada regulatory exception" cases.

**Part II** of the course continues examining the provisions of the TRIPS Agreement and focuses on subsequent WTO instruments on TRIPS flexibilities, namely the Doha Declaration on the TRIPS Agreement and Public Health and the WTO decisions on special compulsory licenses for exports, including the first case of use of this export mechanism in the Rwanda-Canada case. It introduces the relationship between intellectual property and competition policy, as well as with human rights law.

**Part III** of the course examines national implementation of TRIPS flexibilities by WTO members, including legislative changes made pursuant to Free Trade Agreements (FTAs) and their impact on public health. This part also discusses the various proposals and models that reconcile promoting innovation with greater access to medical technologies, including in the poorer countries.

**Part IV** of the course analyzes work in the World Health Organization on intellectual property, innovation and public health and introduces student presentations on topics previously covered. It also reviews the issues dealt with during the course.