



ANDHRA MAHILA SABHA
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Date: 15/11/2022

CIRCULAR

This is to inform all the teaching staff and students to participate in a talk on **An Analysis on TRIPS Agreement in Protection of Intellectual Property** by Mrs. Prashanthi , Advocate, Hyd. scheduled on 16/11/2022 in M.V. Hall at 11:30 a.m.

Intellectual Property Right Cell

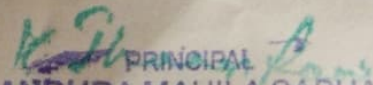
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3. Dr. J. Saritha
4. Mrs. Radhika
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Principal

Dr. K. Jhansi Rani

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REPORT

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a comprehensive international agreement administered by the World Trade Organization (WTO). Enforced since January 1, 1995, TRIPS establishes minimum standards for the protection of intellectual property rights (IPR) among WTO member countries. Here's an analysis of the key aspects of TRIPS:

1. Scope of Protection:

- TRIPS covers various forms of intellectual property, including patents, copyrights, trademarks, trade secrets, and industrial designs. It sets out minimum standards that member countries must implement in their national legal systems.

2. Minimum Standards:

- TRIPS mandates minimum standards for the protection and enforcement of IPR. Member countries are required to provide effective protection and enforcement mechanisms, ensuring a balance between the interests of right holders and the public.

3. Patents and Pharmaceuticals:

- One of the most debated aspects of TRIPS is its impact on access to medicines. TRIPS requires member countries to grant patents for inventions, including pharmaceuticals. However, to address public health concerns, the Doha Declaration allows flexibility in granting compulsory licenses for the production of generic medicines, particularly for addressing public health crises like HIV/AIDS.

4. Enforcement Mechanisms:


- TRIPS establishes enforcement mechanisms to combat counterfeiting and piracy. It requires member countries to provide civil and criminal procedures and remedies to deter IPR infringement.

5. Technology Transfer:

- TRIPS aims to promote the transfer of technology between developed and developing countries. Article 66.2 encourages developed countries to provide technical and financial assistance to least-developed countries to help them build their capacity to implement and enforce intellectual property laws.

6. Public Health Flexibilities:

- The Agreement recognizes the sovereign right of member countries to adopt measures necessary to protect public health and provides flexibility in the implementation of patent rights to ensure access to essential medicines.


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7. Dispute Settlement Mechanism:

- TRIPS includes a dispute settlement mechanism to address conflicts between member countries regarding the interpretation and implementation of the Agreement. This provides a forum for resolving disputes related to intellectual property.

8. Review and Amendment:

- TRIPS allows for periodic reviews and potential amendments to the Agreement. The flexibilities in addressing public health concerns, the impact on access to medicines, and the overall balance between rights holders and the public interest have been subjects of discussion in these reviews.

9. Challenges and Criticisms:

- Critics argue that TRIPS can pose challenges, especially for developing countries, in terms of access to medicines, technology transfer, and the potential conflict between IPR protection and socioeconomic development goals.

10. Evolution and Adaptation:

- Over the years, TRIPS has evolved, and discussions have taken place on adapting it to contemporary challenges, including those posed by digital technologies and the balance between the protection of intellectual property and broader societal interests.

In summary, the TRIPS Agreement has played a crucial role in setting global standards for the protection of intellectual property. It has addressed some concerns related to public health but has also faced criticism for potential negative impacts, particularly on access to essential medicines. The ongoing evolution and discussions around TRIPS reflect the dynamic nature of the intellectual property landscape and the need to strike a balance between promoting innovation and ensuring broader societal interests.

K. Shanmugasundaram
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