

TRIPS flexibilities and access to medicines

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Access to medicines is an essential element in improving our health and well-being. Affordability is also critical to making universal health coverage a reality. Sky-rocketing prices of new, patented medicines are straining public health budgets and jeopardising access in the [European Union \(EU\)](#).

Prior to the introduction of the Trade-related Aspects of Intellectual Property (TRIPS) Agreement, an international legal agreement negotiated in 1994 and part of the founding legal framework of the World Trade Organization, many low-, middle, and high-income countries had excluded pharmaceutical products and/or processes from national patent legislation as part of public health and industrial policies. With the introduction of the TRIPS Agreement, the international community agreed, for the first time, a multilateral covenant to set common standards for IP protection across all technological fields.

The legitimate use of tools to achieve public health goals should not be considered exceptional or limited to a specific geographical area or disease. Instead, they should be widespread and growing given that low-, middle, and high-income countries, alike, face increasing economic burdens linked to the procurement of pharmaceuticals.

There is also growing pressure from patient groups and other stakeholders to make use of instruments, such as compulsory licences.

This brochure focuses on the use of intellectual property (IP) management tools to improve access to safe, effective and quality-assured medicines.

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