

Implementing TRIPS Flexibilities - Briefing Paper

As future pandemics become increasingly likely, TRIPS flexibilities can play a key role in ensuring global and equitable access to medical countermeasures—including vaccines, diagnostics, and therapeutics—as part of effective preparedness and response.

With this in mind, the role of the World Trade Organization (WTO) [Agreement on Trade-Related Aspects of Intellectual Property Rights](#) (TRIPS) in shaping access to medicines has long been the subject of scrutiny: from the HIV/AIDS crisis in the late 90s and early 2000s, to the stark inequities in access to vaccines and other health technologies witnessed during the COVID-19 pandemic.

While the legal monopolies created through intellectual property (IP) rights under the TRIPS framework, especially via patents and the protection of undisclosed information (trade secrets and other forms of data exclusivity), are designed to incentivise innovation, they can also limit access to essential medical technologies by hindering production of generic medicines and biosimilar products.

However, the TRIPS Agreement includes several flexibilities that WTO Members can employ to ensure that medicines remain accessible and affordable. Drawing upon previous research on the factors facilitating and/or hindering the use of TRIPS flexibilities, this [briefing paper](#) offers a three-level action framework to support effective implementation at the domestic, regional, and multilateral levels.

Then, building upon the three-level framework laid out in the briefing paper, and recognising the importance of a multi-stakeholder approach in expanding the use of TRIPS flexibilities, we provide recommendations for steps that can be taken by both governments and civil society actors at the domestic, regional, and multilateral levels to facilitate the use of TRIPS flexibilities.

Download the briefing paper [here](#) (PDF)