

# **Law of Pharmaceutical Patents in International Trade Agreements**

## **Klíčová slova:**

TRIPS, Patents, Pharmaceuticals

## **Abstract**

Trade related aspects of intellectual property rights - especially pharmaceutical patents - were one of the most controversial topics in Trans-Pacific Partnership and Transatlantic Trade and Investment Partnership negotiations. Whereas just thirty years ago international intellectual property law was mostly tied to the multilateral playground of the Agreement on Trade-Related Aspects of Intellectual Property rights (TRIPS), nowadays we can see increasing bilateralism and regionalism in this area. The agreements that build on the protection guaranteed by the TRIPS agreement are known as TRIPS-plus agreements. One of the root causes that led developed countries to promote intellectual property rights shifting from multilateralism to regionalism was the increased negotiation power tied to a smaller playground.

This thesis argues that there is a shift in intellectual property rights regulations from multilateral to bilateral and regional trade agreements. This shifting serves the purpose of promoting increasingly extensive intellectual property rights protection.

In its theoretical chapter the thesis describes the powers that formed the foundation of the World Trade Organisation. It illustrates the United States' power in the founding of this multilateral organisation, as well as their influence in regime shifting toward regionalism. It describes the reasons that led the US to turn their back on multilateralism as an interest in effortless harmonisation of international intellectual property rights protection to the highest levels of protection possible. The theoretical chapter also describes the negotiation strategies the USA use in international trade agreements negotiations.

The analytical chapter of the thesis describes the rising standards of intellectual property protection on examples of various patent protection regimes. It compares the respective regime regulations in the TRIPS agreement, as well as regional agreements, TTIP and TPP.

In its “Discussion” chapter the thesis argues that by increasing intellectual property protection standards in international trade agreements above their own domestic laws the USA might be putting their negotiation partners in danger of intellectual property rights abuse from patent holders. Last but not least, the thesis contemplates the validity of the commonly used argument of strong patent protection’s necessity for innovation enhancement.