

National Drug Policies Through The Mechanism Of The Government Use Of Patented Drugs

by Dr Catharina Ria Budiningsih
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Chairperson: Associate Professor Burton Ong, NUS Law

Tuesday, 28 April 2020
12.00pm to 2.00pm

Federal Conference Room, Federal Building, NUS (Bukit Timah Campus)

ABSTRACT

Article 25 of Universal Declaration of Human Rights is a moral foundation on the right of public health. Drugs are irreplaceable components in curing diseases. Easy access of drugs is one way for enforcing human rights in public health fields. Indonesia has policies to maintain public health by ensuring that essential medicines are widely available and affordable. One scheme that can be used is the government use of patents. This is a kind of using patents without the consent of patentees. Under the TRIPS agreement, inventions in the fields of pharmaceuticals should be protected by patents. On the other hand, based on article 31 TRIPS, confirmed by the Doha Declaration, the use of patents without authorization of the right holder can be waived in certain situations like national emergencies. Contrarily, the interpretation of using patents without permission of the patentee and its implementation, known as TRIPS flexibility, are not easy. Based on Indonesian Patent law, the government use of patents can be applied if there is a national emergency. Since 2004, the policy for government use of patents only applied to antiviral and anti-retroviral drugs. Observing that the government policy has not made any progress, it should be asked whether the policy needs to be evaluated. India is a developing country which has a long experience in using TRIPS's flexibility and compulsory licensing to facilitate access to medicines while Thailand has some experience in providing essential drugs through government use of patents. This seminar analyzes TRIPS' flexibility issues in relation to access of medicines and examines such policies in India and Thailand in order to evaluate the existing policies and to find ideal ones for supplying essential drugs at affordable prices in Indonesia.

ABOUT THE SPEAKER



Dr Catharina Ria Budiningsih has been a lecturer of Intellectual Property Rights and Commercial Law at Faculty of Law, Parahyangan Catholic University, Bandung-Indonesia since 1986, where she also obtained her Bachelor in Law and PhD. She got her Masters in Comparative Law at NUS Law in 1997. She has written papers and articles - majority in Bahasa Indonesia - in newspapers and journals. Some of her publications include: 'The Meaning of The Successful Shiseido Patent Annulment' (KOMPAS News Paper, 2002); 'The Question of Traditional Patent Protection' (*Pikiran Rakyat Newspaper*, 2007); 'Problems of Traditional Knowledge Misappropriation In The Globalization Era' (*Ethic Journal*, 2010); 'Legal Analysis of The Annulment of IKEA Trademark' (*Law Journal, Syiar Hukum*, 2017, with Nur Febri Rahmadhiani); and 'Problems of Intellectual Property Settlement disputes of Small Traders in The Commercial Court' (book chapter, 2019). Her final thesis when completing her doctoral Degree was entitled 'A Normative Analysis and The Use of The Social Function Principle of Patents for The Development of Patent Law in Indonesia (A Critical Study of Indonesia Law Number 14 of 2001 Concerning Patent)', 2009. She participated in WIPO-WTO Colloquium For Teachers of Intellectual Property from 19 June to 30 June 2017 in Geneva. Her paper at that colloquium was entitled 'Legal Issues Faced by Small Traders Related to Their Trademark Registrations in Indonesia' (accessible at https://www.wto.org/english/tratop_e/trips_e/wipo_wto_colloquium_2017-2_e.pdf). She also delivers lectures in the field of IPR or Commercial Law.

REGISTRATION

There is no registration fee for this seminar, but seats are limited.
There will be a light meal provided on a first-come-first-served basis.

Closing Date: **Thursday, 23 April 2020**

For enquiries, please contact Ms Alexandria at rescle@nus.edu.sg

To register, go to <https://nus.edu/339mB3v>

Or scan the QR code

