Table of Contents

List of Figures and Tables vii Preface ix Acknowledgments xi Introduction xiii

PART ONE | BACKGROUND

- 1. From Conception to Commercial Success 3
- A Limitation on the Patent Right to Exclude: An Introduction to International Exhaustion 35

PART TWO | THE CURRENT FRAMEWORK

- 3. An Introduction to TRIPS 55
- 4. Freedom under TRIPS: India as an Example 89
- 5. Compulsory Licensing under TRIPS: An Introduction 125
- Compulsory License Case Study: An Introduction to Competing Patent Perspectives 157
- 7. Complicated Compulsory Licenses: The Waiver/Article 31 bis "Solution" 195

PART THREE | THE EVOLVING FRAMEWORK

- 8. An Overview of "TRIPS-Plus" Standards 223
- 9. Beyond Patents: Protecting Drugs through Regulatory Laws 253

10. Suspensions of In-Transit "Generic Drugs": A Case Study of Competing Perspectives 285

11. A History of Access to Medicine through the Lens of Patent Perspectives 325

12. Looking Toward the Future 355

APPENDICES

Appendix A: Selected TRIPS Provisions 375

Appendix B: Declaration on the TRIPS Agreement and Public Health 382

Appendix C: Draft Ministerial Declaration (Developed Countries) 384

Appendix D: Draft Ministerial Declaration (Developing Countries) 386

Appendix E: Glossary of Terms 390

INDEX 399