

PATENT PROTECTION AND THE PHARMACEUTICAL INDUSTRY IN JORDAN

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ABSTRACT

This article examines patent regime in Jordan particularly when it applies to pharmaceutical industry. After Jordan's accession to the WTO, Jordan amended its patent law, the Patent Law of 2001 brought about a revolution. However, it remains unclear whether the modification would provide the pharmaceutical industry more patent protection.

On the other hand, the US-JO FTA concluded in 2001 is the first FTA between U.S. and Arab countries. It includes several TRIPS-plus provisions which provide a higher level of protection that exceeds those provided in the TRIPS Agreement. Therefore, it may undermine the access to affordable medicines and delay the launching of generic drug competition. In many aspects, the US-JO FTA is deemed to be one-sided and was drafted more favorably towards the U.S. patent holders. Thus, the US-JO FTA do not provide a viable model for the proposed U.S. trade agreements with other Arab countries.

This article begins with a brief background introduction to the TRIPS Agreement. It then examines the status of the pharmaceutical industry in Jordan, emphasizing the difference between the new and old versions of the Patent Law. The article also discusses the patent provisions as contained in the US-JO

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FTA and assesses the impact of strong patent protection on prices of drugs. Finally, it concludes by offering certain suggestions.

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