

THE STRATEGIC USE OF ETHICAL ARGUMENTS IN INTERNATIONAL PATENT LAWMAKING

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ABSTRACT

Due to scientific uncertainties and political problems, policymakers rely on socially constructed norms when drafting what they hope to be an efficient patent system. At the international level, ethical discourse is often used by stakeholders to promote their favoured norms and thus causing a “rhetorical war” in the international patent regime. This article introduces the evolution of key discourses in the history of the international patent regime, especially in regard to the biodiversity and the access to medicines debates. It leads to concluding remarks on the effectiveness of some discourses over others in framing international patent debates.

KEYWORDS: *TRIPS, rhetorical discourse, Convention on Biological Diversity, access to medicines*

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