

# WHO IS THE GOD OF MEDICINE?— DECIPHERING CHINA’S STANCE ON PHARMACEUTICAL COMPULSORY LICENSING

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## ABSTRACT

*In light of the heated social debates over unaffordable brand-name anticancer drugs and the responses of the Chinese government to public discontent, this paper aims to conduct a comprehensive examination of China’s practice of granting compulsory licenses for patented medicines and the rationale behind its policy. Based on a superficial analysis of potential gains in trade and public health, China anticipated making extensive use of this mechanism or its alternatives. This paper argues in support of Beijing’s lack of political will to effectuate this mechanism or to invoke other TRIPS flexibilities. China’s “no more, no less” stance on pharmaceutical compulsory licensing is the result of prioritization of defensive interests over offensive interests, of long-term development over short-term gains, as well as its preference for the WTO as the dominant institution for global economic lawmaking and dispute resolution. In formulating policies to improve the affordability of essential medicines, the distinctive way that China perceives, calculates, and balances various interests in multilateral trade also contributes to China’s inclination for long-term, systematic*

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*measures that do not restrict trade rather than short-term, contentious measures, such as compulsory licensing for patented medicines.*

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