

REGIONAL MECHANISM UNDER DOHA PARAGRAPH 6 SYSTEM—THE LARGELY UNTESTED ALTERNATIVE ROUTE FOR ACCESS TO PATENTED MEDICINES

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ABSTRACT

Contrary to the notion that the Doha Paragraph 6 system has failed in practice, this paper makes a strong case on why the largely undiscussed regional framework under the system has become relevant in light of the current trends in the pharmaceutical landscape. While the obvious failure of the Doha Paragraph 6 system is self-evident, having only been used by Rwanda and Canada in 2008, this paper argues that the regional mechanism option provided in the system offers a more sustainable pathway for low-income countries with limited market size and low purchasing power. While this paper substantiates the prospects of the regional coalition in South East Asia and Africa, it also questions Trade-Related Aspects of Intellectual Property Rights (hereinafter “TRIPS”) Amendment’s heavy reliance on developed countries to facilitate technology transfer and render technical and financial support under Articles 67 and 66.2. The paper analyses the shortcomings of the East African Community Regional Pharmaceutical Manufacturing Plan of Action

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(EACRPMoA), which is the only ongoing regional alliance that explores the Doha Paragraph 6 system, to call for a more pragmatic option for exploring immediate alternative answers outside the promised obligations of developed countries under TRIPS Agreement. This paper concludes by forecasting the inevitability of a regional coalition but also recommends that regional solutions should be proffered to regional problems in the drive to deliver access to patented pharmaceuticals to the most vulnerable populations.

KEYWORDS: *access to essential medicines, regional mechanism, TRIPS amendment, pharmaceutical patent, Doha Paragraph 6 system*