



Research Article

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TRIPS Agreement and the experience of Kenya regarding patents and compulsory licensing of HIV/AIDS drugs

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DOI: <https://doi.org/10.2478/bjir-2024-0022>

Abstract

Although the TRIPS Agreement establishes minimum standards for the protection of intellectual property, it also leaves some room for policy interpretation by WTO members, whether they are developed or developing nations. This allows them to implement the Agreement's provisions in a variety of ways and to enact legislation in areas that are not covered by the Agreement's minimum standards. The Doha Declaration on TRIPS and Public Health specifically recognizes the importance of the implementation of TRIPS flexibilities for the design of a pro-competitive intellectual property system and, in particular, for achieving public health objectives. The paper draws general aspects of the TRIPS agreement, requirements to be part of the TRIPS agreement, implementation of patent protection, the DOHA declaration and lastly a case study regarding compulsory licensing of HIV/AIDS drugs.

Keywords: TRIPS agreement, intellectual property, standards, trademark.

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Balkan Journal of Interdisciplinary Research (Austria) E – ISSN 2411- 9725 / ISSN 2410-75

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