

TRIPS and Safeguard Mechanism: Impact of Mailbox Applications on Affordability and Accessibility of Essential Medicines in Post 2005 Phase

Summary of the Proposal

On January 1st 2005, countries which were yet to grant patents for pharmaceutical products, such as India, opened the mailbox, started examining the pending patent applications - together with other new patent applications filed after January 1st 2005 - to grant or reject patents in accordance with their own patentability conditions. Following the full implementation of the TRIPS Agreement in 2005 in India and the few other developing countries not yet granting pharmaceutical patents, access to new and essential drugs may be expected to become more difficult. All new drugs may be subject to at least 20 years of patent protection in all but the least developed countries and the occasional non-WTO country such as Somalia, Palestine and Macedonia. The apprehension is that 20-year monopolies will drive up the price of treatment in India and in hundreds of importing countries—the world's source of supply of generic HIV medicines may disappear.