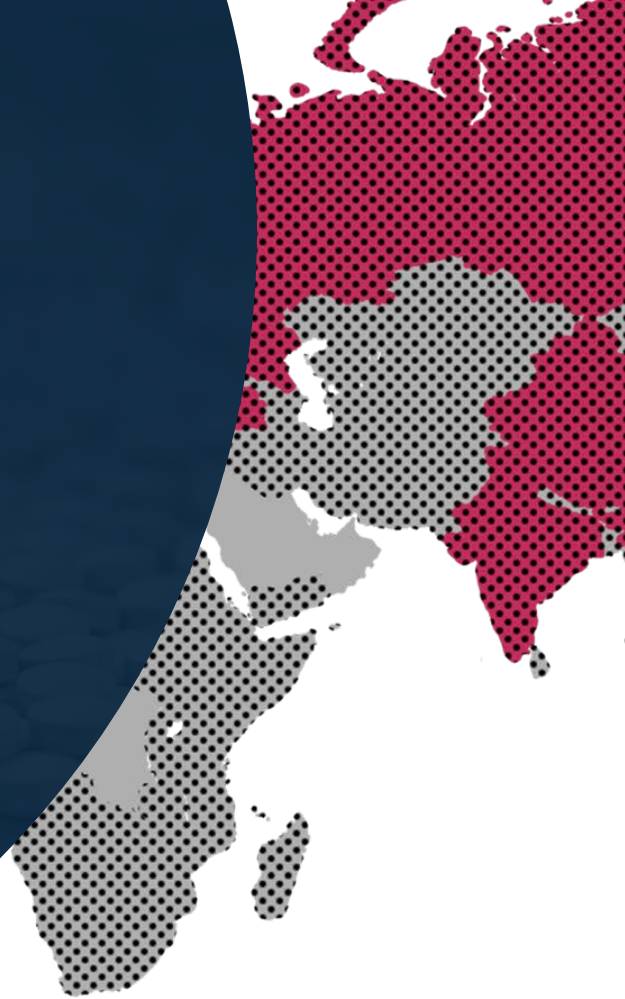




Re-balancing U.S. Trade Policy GRx+Biosims 2019

TAHIR AMIN

NOVEMBER 2019

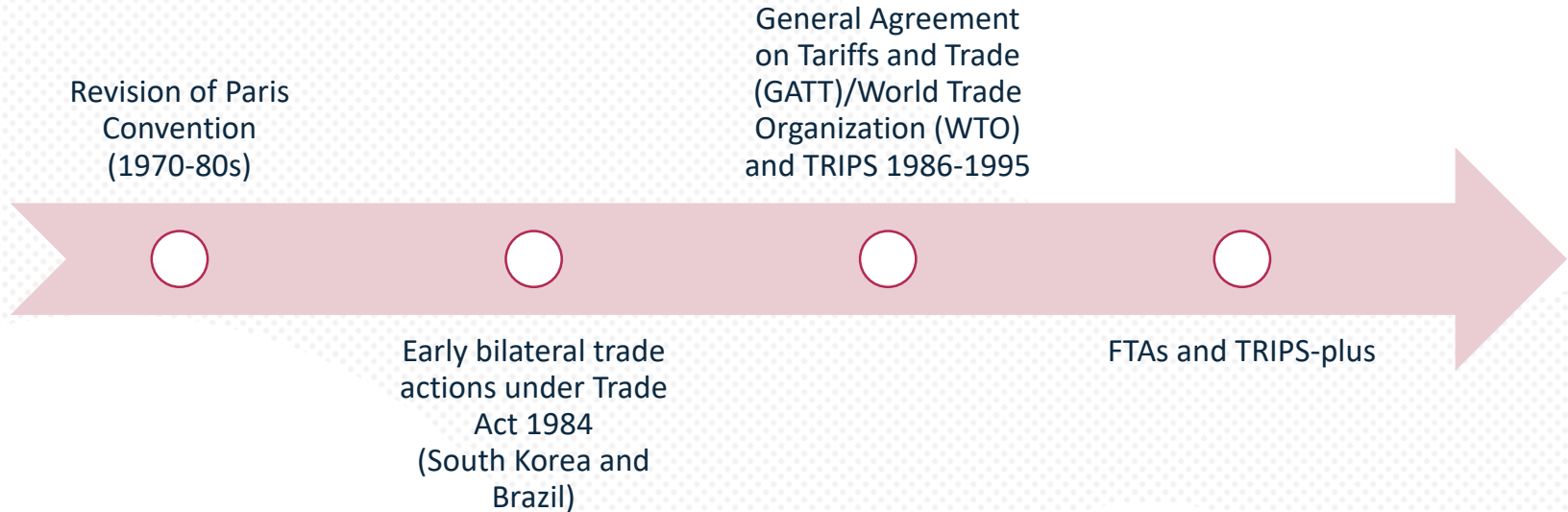


U.S. V GLOBAL SOUTH

“We were beginning to notice that we were losing market share dramatically on [Southern countries] because our intellectual property rights were not being respected in those countries.”

EDMUND PRATT
CEO, PFIZER / 1972-1991

TIMELINE OF LINKING INVESTMENT, IP AND TRADE



U.S. STRATEGY TO IP AND TRADE

Advisory Committee on Trade Negotiations (1974) – Pfizer, IBM and Du Pont;

- Multilateralism: ‘good’ standards of IP (GATT/TRIPS).
- Bilateralism: directly negotiate with countries not protecting U.S. IP sufficiently.
- Unilateralism: Imposing trade sanctions on countries not enforcing higher standards of IP protection (s301 Trade Act 1984) and the role of the USTR.

ALLIANCES WITH EUROPE AND JAPAN AND HARMONISING IP STANDARDS

- Intellectual Property Committee (1986) and harmonising IP standards through trade agreements and shifting forums from WIPO to GATT (WTO).

COUNTER-HARMONISATION BY THE GLOBAL SOUTH POST TRIPS

- South Africa
- India
- Argentina
- Brazil

FTAS AND THE ERA OF TRIPS-PLUS

- U.S has FTAs in force with 20 countries
 - E.g. Australia, Canada, Jordan, Korea, Mexico, Morocco.
- Failed trade agreements: ACTA and TPP

COUNTERING THE EXCESSIVE IP AGENDA IN TRADE AGREEMENTS AND OTHER FORUMS

- Lessons from the global south and civil society on changing the narrative around excessive IP protection in trade agreements.
- The current drug pricing crisis in the U.S and Europe provides an opportunity to change the narrative and trade agenda on excessive IP protections.
- Need to also focus attention on the “invisible harmonization” efforts by the big 3 patent offices: USPTO, EPO and JPO (also WIPO).