

Thesis Abstract

Title: Impact of TRIPS Protection of Patents on the Reality of Pharmaceutical Industry in Palestine: A Comparative Analysis Study

This thesis aims to investigate and analyze the anticipated impact of the enforcement of TRIPS in the area of pharmaceuticals patents on the reality of Pharmaceutical Industry in Palestine. Based on a future assumption, the researcher tried envisage the positive or negative impacts resulting from the implementation of TRIPS agreement on the Pharmaceutical Industry sector in Palestine and on the enforced Intellectual Property legislations. This study enjoys a special significance especially when Palestine is currently seeking to join the World Trade Organization and its international agreements in light of the recent status of Palestine's membership which was upgraded to "non-member observer state". This would inevitably lead to bringing about amendments to the enforced Intellectual Property Rights Protection to meet the TRIPS membership requirements which require member states to provide strong protection for Medicine patents.

For the purpose of this study, the researcher followed comparative, analytical and descriptive method in order to examine and analyze the script of TRIPS agreement regarding Medical patents. Then, a comparison between these scripts and the relevant scripts of the Patent Law no.22 of 1953 enforced in the West Bank was held; it was also compared with the relevant script of the Jordanian Patents Law no. 32 of the year 1999 and amended by Patents Law no. 71 of the year 2001. The purpose is to benefit from it since it is one of the new Intellectual Property protection laws issued

after Jordan joined the World Trade Organization and fulfilled the requirements for membership of WTO.

This study was divided into three chapters: the first chapter deals with the legal organization of Medicines patent in TRIPS Agreement. The second chapter discusses the positive and negative impacts resulting from the implementation of TRIPS in the area of Pharmaceuticals patents on the pharmaceuticals sectors in members states in TRIPS. The chapter also investigates and analyzes the possible repercussions following the implementation of TRIPS agreement on Pharmaceuticals industry in Palestine and on effective protection laws of Intellectual Property. The third chapter discusses the mechanisms to ease the negative impacts of TRIPS agreement on the Pharmaceuticals sector in the member states.

The researcher has reached a number of outcomes most important of which is that the implementation of TRIPS shall have both positive and negative impacts; however, the negative impacts will be faster and more salient; its outcome shall appear on different and important levels. It was also found out that the implementation of TRIPS shall have a serious and deep negative impact on Pharmaceuticals sectors in Palestine since it would influence its capability to manufacture medicine. This also would reflect on the Palestinian government ability to fulfill its legal obligations towards the protection of citizen's rights to health and obtaining medicine for appropriate prices. It was also found out that the enforced legislations of protection of Intellectual property rights were clearly old and did not meet expectations; they are in need for several amendments or complete change in order to include materials that comply with TRIPS.

The researcher concluded her study by offering recommendations to decision makers, legislators and local pharmaceutical companies in Palestine. Recommendations dealt with policies that are to be adopted to ease the negative impact of implementing TRIPS Agreement in the area of patents, so as to protect Pharmaceuticals industry and the citizen's right to health and reasonably priced medications.