

The Wellcome Trust

Social, Ethics and Public Policy Research on Biomedical Science

Research Summary

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| Title: | An empirical study on the interaction between intellectual properties rights (IPRs) and public health in China: the availability, affordability and quality of essential medicines |
| Investigator: | Ms Rong He |
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| Supervisors: | Dr Graham Dutfield Mr Duncan Matthews |
| Type of grant: | PhD Studentship |
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Background

A highly controversial issue has arisen in the relationship between public health and patent protection standards of pharmaceutical innovations in developing countries since the introduction of the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS) under the WTO in 1995. However, China has maintained silence during this entire debate and has instead adopted a 'pro-patent' IP protection policy in their pharmaceutical industry, as far back as 1993. It has been over ten years since China embarked on this experiment of implementing strong IP standard while attempting to protect public health interests at the same time. Given the lack of research on the Chinese experience and China's unique stance in IPRs as well as its role as one of largest market and supplier of low-cost medicines in the world, a study on the Chinese experience will immensely contribute evidence and insights to the further evolution of this global debate at both theoretical and policy levels.

Aims

This research is to examine the global debate over the relationship between public health and pharmaceutical property rights through China's experiment in both adapting to strong IP standards and protecting health interests over last ten years. Based on the empirical assessment on the current state of access to medicines and medical research in China, the research will further explore constructive policy recommendations to balance the conflicting interests between encouraging medical innovation and protecting public health in national and international IPR and public health governance.

Methodology

Socio-economic assessment will be first undertaken to identify and collect empirical data on the impact of IPR on medicine access in China. Both quantitative and qualitative data will be used as the foundation for further policy exploration. Simultaneously political/policy analysis will be used to delve into theoretical and policy-relevant inquiries.

Methods for data collection include literature review, questionnaires and interviews. The literature review will primarily focus on:

- The theory and philosophy of Intellectual Property
- TRIPS as related to Intellectual Property, and public health
- Ethics on medical research
- Political analysis on the conflicts between multinational pharmaceutical cooperation (MNCs) and developing countries
- Country profile on China's IP policy evolution, healthcare framework, medical production and research capacity
- National and local statistics on medicine access with a focus on HIV/AIDS and Hepatitis B

The questionnaires and interviews are proposed to be conducted with:

- Doctors, patients¹ and staff of local medical care units or NGO
- Researcher and local officials in China.
- Management in Chinese pharmaceutical industry and MNCs in China: to understand the pharmaceutical industry perspective.
- Policy-relevant officials in the Ministry of Health and State Intellectual Property Office of China and analysts in London, the WHO and the WTO.

¹ A voluntary panel of patients will be surveyed, with respect only to their opinions on issues relevant to access to medicines.

Main research questions

- Why China adopted a 'pro-patent' policy in its pharmaceutical industry as such early given the condition of virtually non-patented Chinese drug?
- How China has been impacted by its IP policy choice? i.e. have the benefits and concerns declared by both sides of the debate materialised over the past decade's experimenting? How? (With focus on medical R&D capability building and consideration on access to medicine)
- How to understand current conflicts between foreign investors and Chinese institutions in the context of protecting IP rights and safeguarding public health interests in China?
- Then, what are of implications of the disclosed evidence for IPR theoretic propositions and initiatives for a policy consideration in national and international IP and public health governance?

Applications of research results

There is lack of empirical data to estimate the effects of degrees of IP protection in technical disadvantaged countries. This research will contribute to the assessment of at least the short term cost and benefits of the TRIPS agreement in China. Further, understanding the context of the Chinese experiment – adapting to a strong IP standard and protecting public health interests – will be constructive for further research and policy analysis in IPR debates and public health governance.

Further information

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