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Balancing Public Interest and Private Property: Analyzing the Intersection of Expropriation and Intellectual Property Rights in Pharmaceutical Patents

"In recent years, the pharmaceutical industry has been a focal point of global attention as the debate over access to medicines and protection of intellectual property rights continues to intensify. This article explores the complex and often contentious intersection of expropriation and intellectual property rights in the context of pharmaceutical patents, aiming to shed light on the delicate balance between public interest and private property in this crucial sector.

Focusing on the intricate balance between public interest and private property, this study critically examines the intersection of expropriation and intellectual property rights in the pharmaceutical industry, aiming to elucidate the potential shortcomings and challenges associated with the implementation of expropriation as a means to address access to medicines and intellectual property protection.

Beginning with an exploration of the theoretical foundations of expropriation and intellectual property rights, the research provides an in-depth understanding of their roles and significance within the pharmaceutical domain. The article acknowledges the imperative of ensuring affordable access to essential medicines for the public while simultaneously acknowledging the crucial role of intellectual property protection in driving innovation and promoting investment in pharmaceutical research and development.

Through a meticulous review of legal frameworks, including the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, the article identifies the complexities and limitations of expropriation measures in the pharmaceutical industry. These measures may create uncertainty for patent holders, potentially impeding their willingness to invest in research and development, which, in turn, could adversely affect the availability of innovative medicines for patients.

Drawing on pertinent case studies from various jurisdictions, the analysis highlights the practical implications of resorting to expropriation in the pharmaceutical sector. It examines how expropriation may inadvertently lead to legal disputes, hinder technological advancements, and deter future innovation, thereby compromising the long-term sustainability of the industry. Moreover, this study explores alternative mechanisms, such as compulsory licensing and patent pooling, as more balanced and flexible approaches to address the tension between public health interests and the protection of intellectual property rights. These alternatives offer a middle ground where access to medicines can be ensured while preserving incentives for pharmaceutical companies to continue their research endeavors.

In conclusion, this article advocates for a cautious and balanced approach in addressing pharmaceutical patents and intellectual property rights. It underscores the importance of crafting policy measures that foster a conducive environment for innovation, investment, and equitable access to medicines. By providing a critical analysis of the intersection between expropriation and intellectual property rights, this research contributes valuable insights to policymakers, legal practitioners, and stakeholders involved in formulating effective and sustainable strategies for achieving an accessible and innovative pharmaceutical industry that upholds both public interest and private property rights."