



Compulsory licensing & access to medicines

Research-based pharmaceutical companies invent, develop and supply medicines that help people live longer and better lives. EFPIA member companies are committed to promoting and improving access and affordability of these life-saving medicines.

EFPIA members share the goal of all countries, including developing countries, to expand access to healthcare in a sustainable way. However, this relies on the commitment of many different actors, especially in low income and least developed countries. Companies have been addressing, over the last few decades, the challenges of access by implementing a range of innovative and durable approaches, including donation programmes, technology transfer, voluntary licensing, no-assertion declarations and differential pricing.

The [2001 Doha Ministerial Declaration](#) on the [TRIPS agreement](#) and Public Health stresses the importance of interpreting and implementing the TRIPS Agreement in a way that supports public health by promoting both access to existing medicines and the creation of new medicines.

The Doha Declaration further details how TRIPS “flexibilities”, such as compulsory licences, should be interpreted so as to satisfy this two-pronged objective, recognizing that a stable and predictable intellectual property system is important for the development of new medicines but also a facilitating condition of technology transfers and negotiated access mechanisms.

This, although compulsory licensing is a recognized element of the IP system, it should be used in a balanced way and should not be used as a substitute for a sustainable adequately-financed policy on access to medicines. Increased reliance on compulsory licensing undermines sustainable approaches to access to medicines and incentives for innovation, notably intellectual property rights: The effectiveness of IP rights is a crucial component of long-term economic development within these countries and an important incentive to develop new medicines.

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[EFPIA’s position on Trade, Growth and Intellectual Property Strategy for the protection and enforcement of intellectual property rights in third countries](#)