TRIPS FOUNDATIONS REVISITED

Intellectual property (IP) rights have long faced strong legitimacy criticisms. As the vaccine debates during the COVID-19 pandemic showed, IP is often seen as a problematic asset of powerful private companies and developed economies. This book addresses these criticisms by focusing on a renewed interpretation of the TRIPS – the key international treaty for IP. By combining international law analysis and political theory, this work presents the TRIPS as the structuring agreement of the international IP regime rather than treating it as a technical trade instrument. Drawing on the ideal of freedom defined as protection against domination, the book develops a legal philosophy of the TRIPS, revisiting its foundations and proposing a renewed interpretation of its key norms. This reframing highlights how the treaty can potentially provide consistency and foreseeability in a conflict-ridden global multilateral trade system where weaker trade partners are often at a disadvantage. This title is also available as open access on Cambridge Core.

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TRIPS FOUNDATIONS REVISITED

Building a Resilient International IP Regime for Troubled Times

JOHAN ROCHEL
University of Fribourg

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