

Foreword

by Gianni Profita*

The relationship between intellectual property rights and public health has long been a focal point of global debate, one that has only intensified with the Covid-19 pandemic. As a legal scholar who has spent decades navigating the complex intersection of pharmaceutical patent law and global health, I have witnessed firsthand how this debate continues to evolve. At its core is a profound tension: the need to incentivize the development of life-saving drugs and technologies, while ensuring that these innovations reach all those who need them, regardless of their economic circumstances.

The article that follows is both timely and necessary. It examines the balance between

patent protection – designed to fuel innovation in the pharmaceutical sector – and the urgent need to ensure global access to medicines, especially in low- and middle-income countries. In doing so, it delves into the very heart of current legal and ethical discussions surrounding the World Trade Organization’s TRIPS Agreement and the ongoing TRIPS waiver debates in the context of Covid-19. The global health crisis has underscored the inadequacies of our current IP frameworks in responding to public health emergencies, while also highlighting the potential of legal mechanisms like compulsory licensing and humanitarian licensing to bridge these gaps.

This article provides a thorough analysis of the historical,

legal, and ethical dimensions of pharmaceutical patent protection. By presenting key case studies – such as the HIV/AIDS treatment access fight and the Covid-19 vaccine distribution inequalities – it offers readers a comprehensive understanding of the practical impacts of intellectual property law on global health. Furthermore, the policy recommendations outlined here offer a clear, actionable path forward for ensuring that innovation and equitable access to essential medicines are not mutually exclusive but mutually reinforcing.

In an increasingly interconnected world, where health crises transcend borders and economic divisions, it is vital that we rethink how legal frameworks can be adapted to

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meet the needs of all humanity. This article provides invaluable insights into the future of intellectual property law and its role in global health, urging

governments, legal practitioners, pharmaceutical companies, and civil society to collaborate in creating a more just and responsive system. It is a

must-read for anyone invested in the future of global health and the protection of human rights through innovative legal reform.