

## PATENTS, HUMAN RIGHTS, AND ACCESS TO MEDICINES

Patent rights on pharmaceutical products are one of the factors that may contribute to the problem of the lack of access to affordable medicines in developing countries. In this work, Emmanuel Kolawole Oke provides a systematic analysis of the tension between patent rights and human rights law, contending that, in order to preserve their patent policy space and secure access to affordable medicines for their citizens, developing countries should incorporate a model of human rights into the design, implementation, interpretation, and enforcement of their national patent laws. Through a comprehensive analysis of court decisions from three key developing countries (India, Kenya, and South Africa), Oke assesses the effectiveness of national courts in resolving conflicts between patent rights and the right to health, and demonstrates how a model of human rights can be incorporated into the adjudication of patent rights.

Emmanuel Kolawole Oke is a lecturer in International Intellectual Property Law at Edinburgh Law School, University of Edinburgh. His research explores the interface between intellectual property and other branches of international law such as international trade law, international investment law, and international human rights law.

# Patents, Human Rights, and Access to Medicines

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