



**TRIPS Flexibilities navigator: a tool to educate,
empower and build community,**

**Virtual Global Summit on Intellectual Property and Access to
Medicines 14-21 November**

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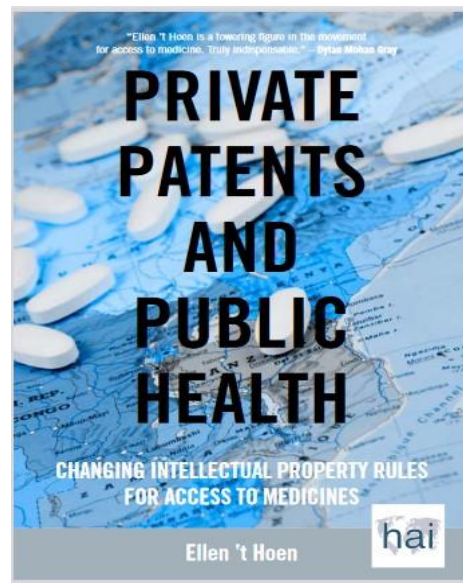
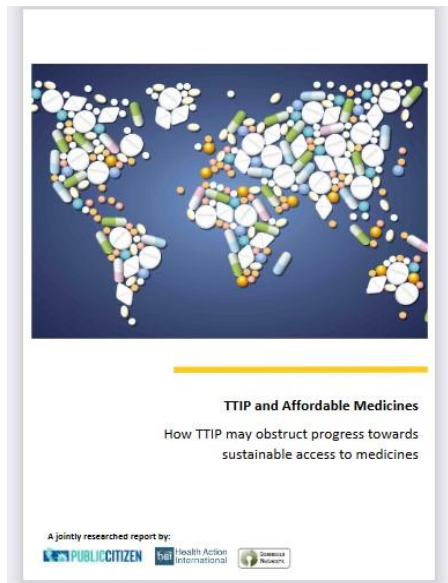


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HAI HEALTH ACTION INTERNATIONAL

HAI work on TRIPS flexibilities (I)

- Integral part of our evidence-based advocacy work on **access to medicines**. Framed as **legitimate policy tools** available for governments.
- Interventions at WHO governing bodies
- Contributions to EU institutions policy discussions
- Participation in national debates (Netherlands)
- Reports and other documents



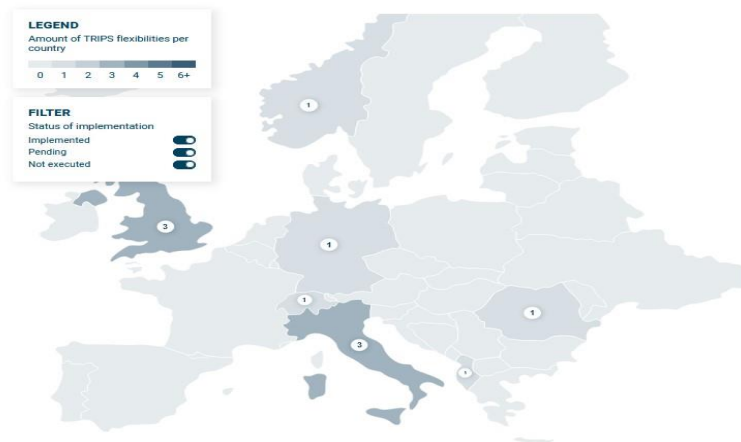
HAI work on TRIPS flexibilities (II)

- Web-based resources. **Interactive and accessible** as part of strategy awareness raising of IP impact on access to medicines and mainstreaming use and exercise of flexibilities.



This website sets out to provide those who are new to the field with the basics about IP and medicines, and experienced advocates with more in-depth analyses into key IP issues

<http://accesstomedicines.org/about/>



To encourage greater use of [TRIPS Flexibilities](#) we have created these data resources to track usage across Europe, increase access to transparent information and to breakdown misconceptions about these critical public health tools.

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Origins

- Great Health Hack Fall 2020 with support from Unitaid
- Winning idea: Creation of an updatable, living database to facilitate the use of TRIPS flexibilities, in conjunction with an awareness campaign to increase uptake and use. The database and associated dashboard could facilitate decision making and inform governments by gathering practical information and step-by-step instructions on, for instance, from where they could import their generic pharmaceutical product

Development

- Caters to different constituencies

I am interested in TRIPS Flexibilities from the perspective of a...



TRIPS flexibilities navigator

- Geographical scope, EU.

Click on the map or use the dropdown to select a country



Can't select your country? Click [here](#) to find out why.

- Domestic legal and administrative information

There is a legal basis for TRIPS in Austria, although compulsory licenses have not been used before.

The legislation that is associated with applying for a compulsory license in Austria is **Sections 36 and 37 of the Austrian Patent Act**.

You can find more information about the legal basis and the grounds for applying for a license in Austria [here](#).

Although compulsory licenses have not been used in Austria, they have been used in other nations in Europe including Albania, Germany, Italy, Romania, and Switzerland.

Click [here](#) to learn more about how and why TRIPS should be used.

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ACTION PLAN FOR LAWMAKERS IN AUSTRIA

Past Use of Compulsory Licenses in Austria

Compulsory Licenses have not yet been used in the past in Austria. However, they have been used in the EU in the past including Germany, Italy, and Romania. In these countries, compulsory licenses have been used for drugs for both communicable and non-communicable diseases, namely: HIV/AIDS, Bacterial Infection, Migraine, Prostatic Hyperplasia, HCV, and Cancer.

What is the legal basis for obtaining a compulsory license in Austria?

The legislation that regulates compulsory licenses in Austria is Sections 36 and 37 of the Austrian Patent Act

There are three grounds for application for a compulsory licence:

the patented invention cannot be exploited without infringing an invention patented beforehand and the invention protected by the later patent represents an important technical progress of considerable economic significance compared to the invention protected by the earlier patent

the patented invention is not exploited to an appropriate extent in Austria and the patent proprietor has not done everything necessary for such exploitation (unless the patent proprietor proves that the exploitation of the invention in Austria would be an undue burden);

the granting of a licence for a patented invention is in the public interest.

You can find more information about the legal basis and the grounds for applying for a license in Austria as well as latest amendments [here](#).

Who are the generic manufacturers in Austria?

An effective exercise of TRIPS flexibilities and successful use of a Compulsory Licensing relies on two elements: on one hand, a legal and regulatory framework (as above) that supports government actions to unilaterally terminate the rights of a patent holder, and on the other the existence of access to the technical capabilities and internationally certified know-how and expertise to exploit such rights in a productive and timely manner. For the latter, it is critical to maintain an updated database of Good Manufacturing Practices (GMP)-compliant generic and biosimilar pharmaceutical companies in your country.

We don't have information about a specific generic manufacturer in Austria. However, you can learn more about general generic manufacturers in the EU [here](#).

TRIPS flexibilities navigator

- Currently in beta-testing. Launch in December 2021.
- Hoping for buy-in from advocates, policy makers and lawmakers.
- Not looking for users but participants and contributors. Community.
- Living tool. Possibility of scaling up and widening scope.
- Combinable with other databases and resources.