

"A man is  
great by  
deeds, not by  
birth"

-Chanakya

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INDIAN INSTITUTE OF MANAGEMENT KOZHIKODE



Working Paper

**IIMK/WPS/522/HLA/2022/03**

February 2022

## **Evaluating the Pragmatism of TRIPS Waiver Proposal: An Analysis from Legal and Policy Perspective**

**Deva Prasad M<sup>1</sup>**  
**Salamah Ansari<sup>2</sup>**

<sup>1</sup>Associate Professor, Humanities & Liberal Arts in Management, Indian Institute of Management Kozhikode, IIMK Campus PO, Kunnammangalam, Kozhikode, Kerala 673 570, India; Email - devaprasad@iimk.ac.in, Phone Number - 0495-2809427

<sup>2</sup>Faculty Fellow, Humanities & Liberal Arts in Management, Indian Institute of Management Kozhikode, IIMK Campus PO, Kunnammangalam, Kozhikode, Kerala 673 570, India; Email - salamah@iimk.ac.in, Phone Number - 0495-2809103

## **Evaluating the Pragmatism of TRIPS Waiver Proposal: An Analysis from Legal and Policy Perspective**

**Abstract:** This paper primarily analyzes the Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (TRIPS) waiver proposal put forth by India and South Africa. The theoretical argument of the benefits of the TRIPS waiver proposal is highlighted. It then highlights the inadequacy of the proposed TRIPS waiver in ensuring universal access to the COVID vaccine. In the context of the need for TRIPS waiver, the problem regarding export restrictions using General Agreement on Trade and Tariff (GATT) and its impact on the supply chain challenges to be tackled by the present law and policy approach needs proper attention. The hollowness in the market-based proposals put forth by the European Union (EU) is also explained in the article. Concludingly, the discussion focuses on the normative question of accommodating the human rights perspective in the international trade framework in the global economy.

Research Office

Indian Institute of Management Kozhikode

IIMK Campus P. O.,

Kozhikode, Kerala, India,

PIN - 673 570

Phone: +91-495-2809237/ 238

Email: [research@iimk.ac.in](mailto:research@iimk.ac.in)

Web: <https://iimk.ac.in/faculty/publicationmenu.php>

