

# IP and public health in Chile's FTA's

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and public health

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# Provisions related to health in FTAs

Extension of patent term for unreasonable curtailment of

Notify to patent holder identity of third parties

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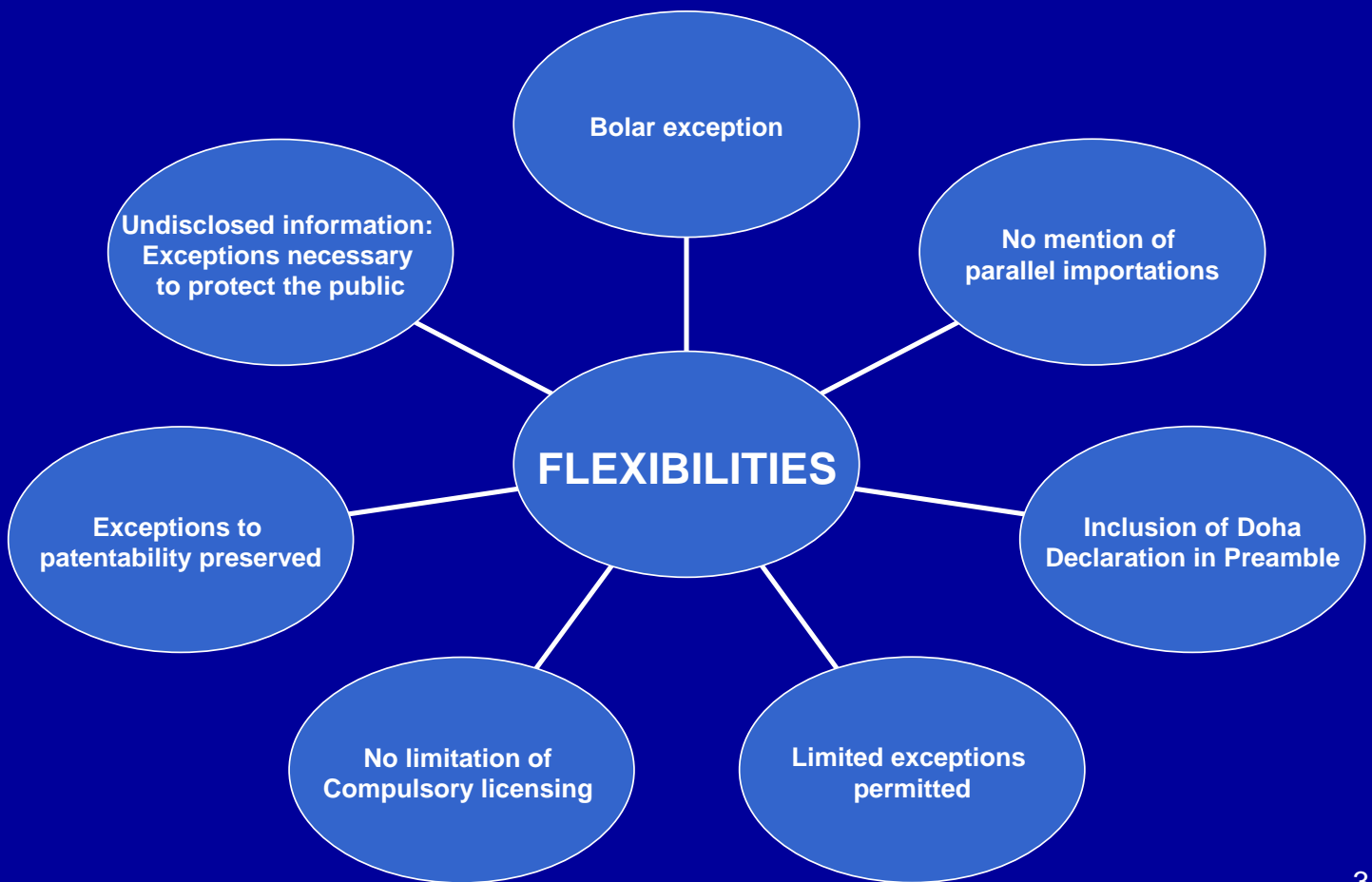
**TRIPS +**

Extension of patent term for curtailment due to patent approval

Revocation only when same grounds exist that would have justified a refusal to grant the patent

Undisclosed information data exclusivity for 5 years

# Provisions related to health in FTAs



## Implementation of TRIPS and FTAs Flexibilities Patents

- International exhaustion;
- exceptions to patentability;
- compulsory licensing;
- Bolar exception

## Implementation of TRIPS and FTAs Flexibilities

### Undisclosed information

- Definition of “**undisclosed**” (reasonable secrecy measures, not generally known or readily available);
- Right holder must request that data not be disclosed;
- definition of new chemical entity (active principle not been registered or commercialized in Chile previous to registration);
- Not a new chemical entity: new uses, changes in administration or dosage, changes in formulations and combinations, etc.;
- prohibited conducts/grounds for no protection: 1. anticompetitive practices; 2. reasons of public health, national security, non-commercial public use, national emergencies; 3. compulsory license; 4. not been commercialized within 12 months from registration; 5. File for registration in Chile after 12 months of register abroad;**
- Data protection – Linkage: Improvement of judicial procedures.

**Thank you**

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