

## Dampak paten terhadap tingkat rata-rata harga obat esensial produksi perusahaan farmasi Uni Eropa (EU-15) di Indonesia 1997-2003

Tumang, Yurina M., author`

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### Abstrak

This paper focuses on intellectual property protection in the pharmaceutical sector which has assumed significant value for its socio-economic relevance, especially on the rate of medicine prices. Since 1994, attention has focused on WTO's Agreement on Trade Related Aspects of Intellectual property rights (TRIP's) as the most far reaching international instrument ever negotiated on intellectual property rights. An important critical issue of the TRIP's Agreement relates to patent. The TRIP's Agreement requires universal patent protection for any invention in any field of technology. This essential targets pharmaceuticals, which many countries had previously excluded from patent protection.

All WTO members must amend their patent legislation, within a limited time or transition period. Many studies of the TRIP's patent system will have a great impact on the health sector and may negatively affect national drug prices availability of essential medicines and pharmaceutical technology. Given the fact that Indonesia is a member of the World Trade Organization, it has to abide the mandates set forth in the TRIP's Agreement. Indonesia has adopted patent law in undang-undang (UU) no 14 tahun 2001, which agrees with the TRIP's Agreement.

This study will analyse the impact of patent on the rate of medicine prices produced by the European Union pharmaceutical industry in Indonesia. In conclusion this analysis of the implication of patent for the pharmaceutical industry in Indonesia is just the beginning point for a continuous process. With ongoing change in the structure of the economy, regulations and patent laws, further study and action will be necessary. Above all, government attention is extremely important to ensure progressive development. National authorities should have a clear vision for this industry and understand the repercussion to national health in the future if nothing is done. The provision and revision of pharmaceutical policies should not only be in accordance with existing general industry standards and international commitments, but also be ensuring improvement in the quality of life for the Indonesian people as a whole.