

WTO/WHO Workshop on
Differential Pricing-8-11 April
2001

- **By Carlos M. Correa**
University of Buenos Aires

THE EXHAUSTION PRINCIPLE

- **IMPLIED LICENSE**
Epuisement facultatif
- **AUTOMATIC EXHAUSTION**
First sale

GEOGRAPHICAL SCOPE

- **DOMESTIC MARKET**
- **REGIONAL**
- **INTERNATIONAL**

WHO CAN PARALLEL EXPORT?

- **Patent holder**
- **Voluntary licensee, unless prohibited**
- **Voluntary licensee**
- **Compulsory licensee**
- **Patent holder, without patent in exporting country**

TRIPS AGREEMENT

- **Article 6**
- **Article 28, footnote**
- **Article 51, footnote**
- **Article 31 (f)**
- **Article 4*bis* Paris Convention**
- **Article 30**

GATT PROVISIONS

- **Article III (4) (National treatment)**
- **Article XI (1) (quantitative restrictions)**
- **Article XX (d) (exceptions)**

NATIONAL LAWS

- **Sold by the owner, a licensee or a party under the owner's control (Andean Group)**
- **Sold with the consent of the owner, if not exploited locally (Brazil)**
- **Upon Ministerial order, for medicines put on the market by the owner or with his consent (South Africa)**