

## **The Impact of Bilateral Investment Treaties on Health-Related Intellectual Property Rights in the Agreement on Trade-Related Aspects of Intellectual Property Rights in the Kingdom of Saudi Arabia and Australia**

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**Abstract :** This paper is dedicated to a detailed investigation of the interaction between the agreement on trade-related aspects of intellectual property rights (TRIPS) and bilateral investment treaties (BITs) in the regulation of health-related intellectual property rights in Australia and the Kingdom of Saudi Arabia. The chosen research object is complex and requires a thorough examination of a set of factors influencing the problem under investigation. At the moment, to the author's best knowledge there is no academic research that would conceptualize and critically compare the regulation of health-related intellectual property rights in these two countries. While there is a substantial amount of information in the literature on certain aspects of the problem, the existing knowledge about certain aspects of the health-related regulatory frameworks in Australia and Saudi Arabia barely explains in detail the specifics of the ways in which the TRIPS agreement interacts with (BITs) in the regulation of health-related intellectual property rights. Therefore, this paper will address an evident research gap by studying an intriguing yet under-researched problem. The paper comprises five subsections. The first subsection provides an overview of the investment climate in Saudi Arabia and Australia with an emphasis on the health care industry. It will cover political, economic, and social factors influencing the investment climate in these countries, the systems of intellectual property rights protection, recent patterns relevant to the investment climate's development, and key characteristics of the investment climate in the health care industry. The second subsection analyses BITs in Saudi Arabia and Australia in light of the countries' responsibilities under the TRIPS Agreement. The third subsection provides a critical examination of the interaction between the TRIPS Agreement and BITs in Saudi Arabia on the basis of data collected and analyzed in previous subsections. It will investigate key discrepancies concerning the regulation of health-related intellectual property rights in Saudi Arabia and Australia from the position of BITs' interaction with the TRIPS Agreement and explore the existing procedures for clarifying priorities between them in regulating health-related intellectual property rights. The fourth subsection of the paper provides recommendations concerning the transformation of BITS into a TRIPS+ dimension in regulating health-related intellectual property rights in Saudi Arabia and Australia. The final subsection provides a summary of differences between the Australian and Saudi BITs from the perspective of the regulation of health-related intellectual property rights under the TRIPS agreement and bilateral investment treaties.

**Keywords :** Australia, bilateral investment treaties, IP law, public health sector, Saudi Arabia

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