WHO IS THE GOD OF MEDICINE?—
DECIPHERING CHINA’S STANCE ON
PHARMACEUTICAL COMPULSORY
LICENSING

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ABSTRACT

In light of the heated social debates over unaffordable brand-
name anticancer drugs and the responses of the Chinese government
to public discontent, this paper aims to conduct a comprehensive
examination of China’s practice of granting compulsory licenses for
patented medicines and the rationale behind its policy. Based on a
superficial analysis of potential gains in trade and public health,
China anticipated making extensive use of this mechanism or its
alternatives. This paper argues in support of Beijing’s lack of
political will to effectuate this mechanism or to invoke other TRIPS
flexibilities. China’s “no more, no less” stance on pharmaceutical
compulsory licensing is the result of prioritization of defensive
interests over offensive interests, of long-term development over
short-term gains, as well as its preference for the WTO as the
dominant institution for global economic lawmaking and dispute
resolution. In formulating policies to improve the affordability of
essential medicines, the distinctive way that China perceives,
calculates, and balances various interests in multilateral trade also
contributes to China’s inclination for long-term, systematic

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measures that do not restrict trade rather than short-term, contentious measures, such as compulsory licensing for patented medicines.

**KEYWORDS:** China, compulsory license, access to affordable essential medicines, TRIPS Agreement, generic drugs