

**Competing Patent Perspectives:  
Towards A New Framework for Examining International Conflicts**  
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My goal is to take a fresh approach to analyzing current conflicts concerning the appropriate balance of patents and public health under TRIPS. I propose a new framework through which to understand that competing interpretations of TRIPS provisions may reflect competing patent perspectives that existed, but were never reconciled under TRIPS. In particular, I suggest that TRIPS represents two polar views of patents – either as a privilege granted by a state, subject to exceptions, or as an uber-property right that should have limited, if any exceptions. The language of specific provisions of TRIPS, as well as its negotiating history show that both perspectives are represented. I aim to show that current controversies about balancing patents versus public health under TRIPS represent these two perspectives and that attempting to address these perspectives is essential to promoting any long-term global solution.