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Jacques LARRIEU |  | Université Toulouse 1 Capitole |  | Directeur de thèse | | M. Jean-Michel BRUGUIèRE |  | Faculté de droit de Grenoble |  | Rapporteur | | M. Jacques  RAYNARD |  | Faculté de Droit et de Science politique de Montpellier |  | Rapporteur | | Mme Alexandra  MENDOZA-CAMINADE |  | UT Capitole |  | Examinateur | | Mme Florence TABOULET |  | Faculté des sciences pharmaceutiques |  | Examinateur | | Elisabeth BERTHET |  | ... |  | Examinateur |  |  |  | | --- | --- | | **Mots-clés :** | médicaments, propriété, brevets, biens |  |  | | --- | | **Résumé :** | | Les travaux de recherche proposent une réflexion sur la notion fondamentale de propriété à travers un bien particulier : le médicament. Peut-on tout s'approprier ? Cette question, déjà posée pour la matière vivante, suscite de vives polémiques pour les médicaments. En effet, la légitimité d'une appropriation de biens en relation directe avec un droit aussi essentiel que le droit de la santé est depuis longtemps contestée. Indissociable de la recherche dont il est le fruit, le médicament nouveau suppose d'importants investissements nécessaires à son élaboration. Pour protéger ces investissements et inciter à la recherche, des droits exclusifs ont été créés (notamment sous la forme de brevets d'invention et de titres spéciaux). Toutefois, la reconnaissance d'une propriété a suscité de nombreuses résistances. Le droit privatif octroyé sur les médicaments nouveaux se trouve contesté. Se pose ainsi la question de sa légitimité. De même, la reconnaissance d’une propriété privée temporaire est-elle la meilleure incitation à la recherche dans le secteur pharmaceutique ? Enfin, le médicament ne permet-il pas d’envisager la propriété sous une forme nouvelle ? | |  | | | | | | |  | | | | | |