

Trans-Pacific Partnership Agreement (TPPA)

Ninth Negotiation Round

Stakeholders Forum

23 October 2011

Lima – PERU

Intellectual Property Rights & Access to Medicine

A Patient Perspective



Malaysia Facts

- 91,362 PLHIV reported cases by end of 2010, *Malaysian Ministry of Health*
- 2003 Malaysia issued government use licenses
- Monthly treatment cost of the government hospitals and clinics fell by 81% from US\$315 to US\$58
- Licences provided ARV therapy to 9,962 patients
- Not enough - 26,700 patients are in need of needed urgent treatment (CD4 counts below 350 cells), *WHO treatment guidelines*

The question is Life or Death ???



New treatment and drugs prolong our lives

- *“For PLHIV, we need life-long treatment. For us, it is a matter of life and death. So we call for a halt to these FTA negotiations because without affordable and accessible medicines, more of us will die.”*
Edward Low of MTAAG+.

Reproductive Health & Rights



Regional concerns of APN+

- “The ink on the UN Declaration is not even dry. The Declaration clearly recognizes that intellectual property can be a barrier to access to medicines. Everything in the history of the AIDS epidemic testifies to this. Over 80% of those on AIDs treatment in poor countries are taking generic treatment. And yet the United States is pushing even greater legal barrier to generic treatment.”

Mr. Shiba Phurailatpam of APN+.

Concerns of Vietnamese

- “PEPFAR itself switched to generic ARVs that were more affordable. PEPFAR’s own procurement and supply of generic ARVs in Vietnam is at risk and threatens to increase expenditure significantly. Does the left hand of the US government know what the right hand is doing?”

Do Dang Dong of the Vietnam Network of People living with HIV.

The U.S Congress

- “So why in the face of this success by one arm of our government would another arm work to pull the rug out from underneath it? Yet the United States Trade Representative's office is doing just that.”

*Senator Bernie Sanders,
Senate Speech on Unfettered Free Trade*

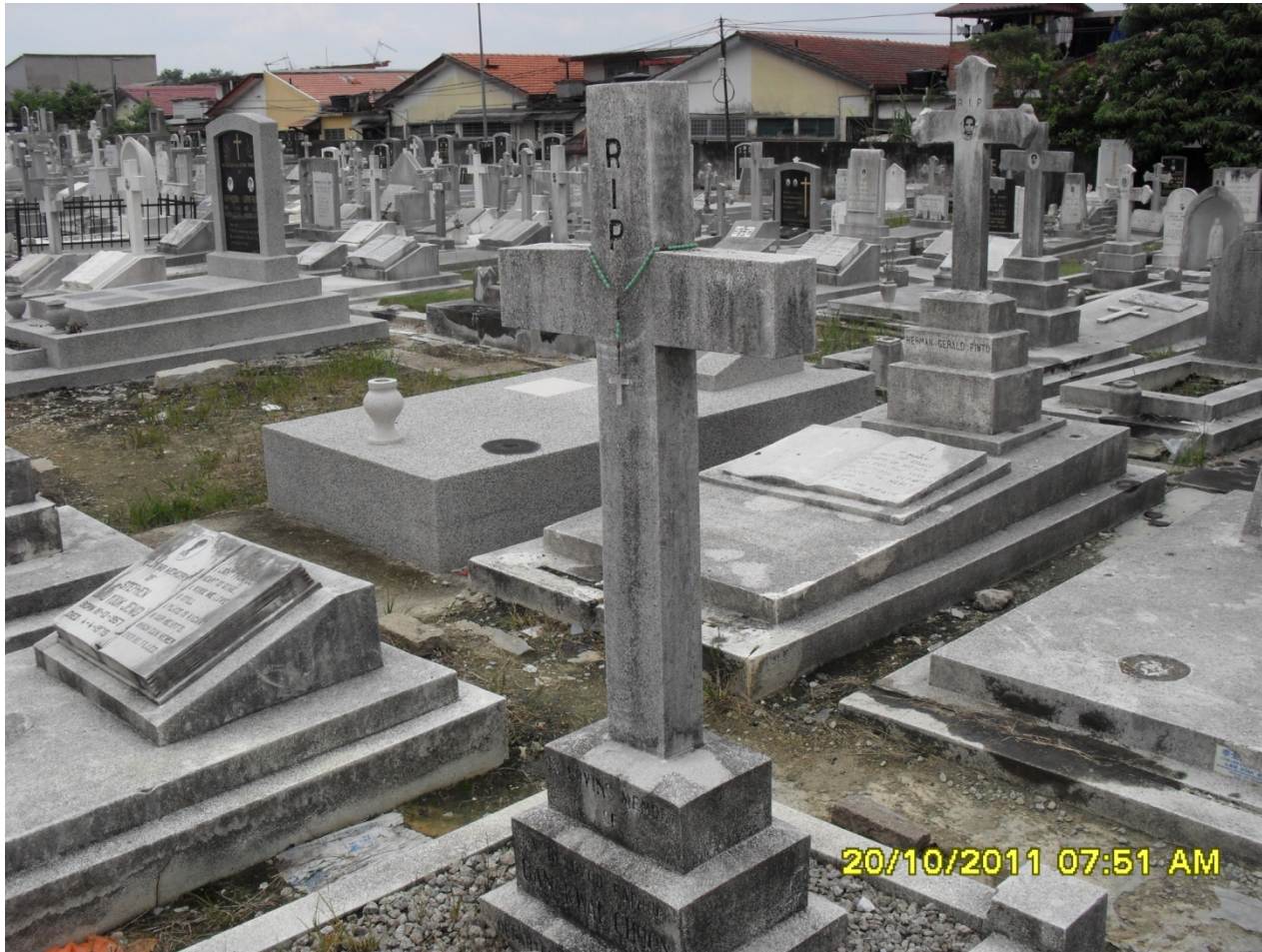
TRIPs flexibilities provide access to disabled & seniors citizens



Where people have gone ?



TRIPS plus provisions killed them...



We would like to call on the governments

- to fully implement and use all TRIPS flexibilities in their patent regimes. For example: to increase the use of compulsory licenses.
- to not agree to any TRIPS+ intellectual property IP standard such as data exclusivity and patent linkage.
- to promote the local generic industry & technology transfer.

We request from the national governments of the other TPPA Signatory countries

- to come together & refuse to accept any further restrictions on production, registration, supply, import or export of generic medicines;
- to launch Asian- Pacific collaboration on an urgent basis to put in place a sustainable, affordable pipeline of generic medicines for future generations;
- and to call for an immediate review of TRIPS & its impact on access to medicines in developing & least developed countries.

We request from Malaysian Parliament & Constitutional Bodies

- to immediately request the TPPA negotiating texts; review their impact on the right to health & access to medicines;
- refuse to endorse or ratify the Agreement that would be signed with provisions that undermine our people's right to access affordable treatment;
- and review Malaysian laws including patent and medicine regulatory laws and policies to ensure all aspects and elements of the Doha Declaration are in these laws.

No to TRIPS plus provisions!!!



Thank You!!!

Edward Low

Director,

**Positive Malaysian Treatment Access & Advocacy Group
(MTAAG+)**

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