



1600 20th Street, NW • Washington, D.C. 20009 • 202/588-1000 • www.citizen.org

MEDIA ALERT

Sept. 13, 2011

Contact: Bryan Buchanan, 202-454-5108

On Access to Medicines, Obama Trade Pact Proposal Appears Set to Undo Bush-Era Improvements

CHICAGO – A proposal being pushed by Obama administration negotiators at the Trans-Pacific Free Trade Agreement talks in Chicago appears to abandon even some of the initial reforms made during former President George W. Bush’s tenure on trade pact terms that undermine affordable access to medicines.

While submitting secret text for binding trade pact rules that would expand and extend Big Pharma’s drug monopolies throughout the Pacific Rim region, the administration sought to head off foreseeable congressional and consumer group wrath. It announced a new “Trade Enhancing Access to Medicines (TEAM) initiative” in a paper that cynically fails to mention any of the formal proposals being offered by the administration that would directly undermine access and indeed roll back initial reforms made during the Bush era (<http://keionline.org/node/1262>).

Civil society responded:

Peter Maybarduk, director, Global Access to Medicines Program, Public Citizen (+1.202 588 7755, +1. 202 390 5375, pmaybarduk@citizen.org)

“It is insulting that the U.S. Trade Representative (USTR) released this paper on ‘access to medicines’ on the same day that it put forth its most controversial and access-restricting provisions at the Trans-Pacific FTA negotiations – and then failed entirely to address those provisions, or the other access-restricting elements of its aggressive intellectual property proposal, in this paper. The Obama administration is heading rapidly in the wrong direction, at the expense of global public health. This paper is primarily window dressing for USTR’s pro-Big Pharma, anti-access to medicines status quo.”

Sean Flynn, associate director, Program on Information Justice and Intellectual Property, American University Washington College of Law (sflynn@wcl.american.edu)

“The statement of the administration today continues its practice of actively thwarting the release of meaningful information about its positions in closed-door international lawmaking. The statement says little about what the administration’s actual trade policy on medicines issues is or what justifies it.

“Thanks to leaked proposals, we know what the administration’s actual position is. This administration has endorsed a set of policy proposals in its trade negotiations with developing countries that is much worse for access-to-medicine concerns than any other past administration.

“The administration is proposing to grant patent rights on substances that are already discovered, increase in-transit seizures on medicines, extend monopoly rights through data protection that operate independent of patent rights, get rid of the so-called “May 10th” deal with the Bush administration and Congress protecting key access to medicines flexibilities in developing countries, and add a first-ever restriction on the operation of pharmaceutical reimbursement programs as a cost saving mechanism in developing countries.

“Access to medicine is not the only public interest concern in the U.S. intellectual property proposal. The proposal also includes controversial Internet regulations, including graduated response disconnections from the Internet and criminalization of non-commercial file-sharing.”

Mathew Kavanagh, director of U.S. Advocacy, Health Gap (+1 202 355-6343, mob +1 202 486-2488, matthew@healthgap.org)

“USTR is claiming, now, that intellectual property enforcement will somehow ensure access to medicines. Their grand innovation is to propose that those companies most interested in ensuring their IP in countries (i.e. those who register within a period of time) should get mandatory data, patent linkage and patent term extensions. This is not an access plan – it’s a clear subterfuge toward ensuring the Obama administration can continue to carry the water of Big Pharma. Ensuring the profits of multinational pharmaceutical industry has not proven an effective strategy for getting medicines to people in need, since they are largely unaffordable for both patients and health programs. Obama administration claims that multinational pharmaceuticals are withholding life-saving drugs from patients for in developing countries for periods of time in order to maximize profits should trigger investigations of unethical practices, not efforts to shift policy toward ensuring those profits.”

Krista Cox, staff attorney, Knowledge Ecology International (+1.650.787.2200, krista.cox@keionline.org)

“USTR’s ‘white paper’ is basically four pages of spin and PR with little to no substance. It claims to ‘enhance access to medicines,’ but in reality, the white paper is more about market access than affordable pricing and access to quality drugs. USTR seems to frame, as an access-to-medicine strategy, the granting of exclusive rights to rely upon regulatory test data, patent linkage and patent term extensions to innovators who register drugs within a window of time. This is the PhRMA/BIO version of how to promote access, with the White House logo, in a large trade negotiation. This is access for people who can afford to pay monopoly prices for medicine. In developing countries, that is certainly not going to achieve access to medicine for all.”

Judit Rius, U.S. manager of MSF’s Campaign for Access to Essential Medicine, MSF/Doctors Without Borders (+1 917 331 9077, judit.rius@newyork.msf.org)

“The USTR paper on the TPP and access to medicines, released today, is misleading and puts forth the fundamentally flawed premise that speeding up market entrance of brand-name, monopoly-priced drugs will, in itself, solve the challenge of access to affordable medicines. At

heart, this is an issue of affordability, and USTR simply does not acknowledge that high-priced brand-name drugs imposed by monopolies are a principal barrier to access to medicines.”

James Love, director, Knowledge Ecology International (james.love@keionline.org)

“The USTR white paper reads more like a white wash. It repeats a litany of positive things the U.S. government has done, some of them going back 10 years, and few relevant to policies the White House tabled in Chicago on Sept. 12. The white paper could have shed light on the actual positions the USTR presented in the TPPA negotiations. After all, the drug companies lobbying USTR know, and all of the TPPA country negotiators now know. Only the general public is kept in the dark. The Congress needs to rein in the Obama White House campaign for secret negotiations on intellectual property and medicines. Someone in the White House needs to tell Ambassador [Ron] Kirk that the public, the people who vote for presidents, has a right to know what our own government’s actual positions are in this negotiation.”

###

Public Citizen is a national, nonprofit consumer advocacy organization based in Washington, D.C. For more information, please visit www.citizen.org.