

November 3, 2022

The Honorable Taranjit Singh Sandhu
Ambassador, Republic of India
2107 Massachusetts Avenue, NW
Washington, DC 20008

Dear Ambassador Sandhu,

Public Citizen is a consumer advocacy group based in Washington, DC with 500,000 members and supporters and a fifty-year history advocating for public interests before Congress, the executive branch agencies and the courts. Long have we supported India's critical role as pharmacy to the developing world. Frequently Public Citizen has emphasized to the U.S. government and international organizations the importance of India's [policies](#) exercising and preserving [flexibilities](#) in international law to [protect global access to medicines](#).

We write to you today with grave concern about the impact of a proposed United Kingdom-India Free Trade Agreement. In our work with partners around the world, we have seen first-hand the transformative impact of Indian generics on public health. Indeed, the Indian pharmaceutical industry is widely lauded by the global community for its vital role as a supplier of affordable lifesaving medicines. The draft UK-India Free Trade Agreement threatens this achievement.

The leaked chapter on intellectual property places obligations that go well-beyond what is required by the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights and would undermine public health safeguards enshrined in Indian law.

Principle among these is Section 3(d) of the Patents Act, which establishes a robust standard of what is considered patentable. If adopted, the FTA would effectively gut Section 3(d) and make it easier for pharmaceutical corporations to establish thickets of patents around lifesaving medicines. As governments around the world, including the U.S., consider how to rein in out-of-control patenting, the FTA would require India to do just the opposite by making it easier for corporations to obtain monopolies. In addition, the FTA would also prohibit pre-grant patent oppositions and introduce additional monopoly protection in the form of patent term extensions and data exclusivity, among other harmful provisions.

Each of these measures alone could damage medicine access. Together, their impact would be deeply harmful. The provisions would throttle generic competition, entrench the dominance of large pharmaceutical corporations, and result in increased medicine prices, hurting patients. The ripple effects of adopting this lopsided deal would be felt around the world.

In our work in Latin America and in Africa, we have often pointed to the Indian patent law for its rigorous, balanced approach to public health. The UK-India FTA imperils this balance. We urge India to stand firm and reject these provisions, and to refuse to trade away health. High-income countries, like the United Kingdom, should seek to emulate Indian patent law, not the other way around.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Maybarduk". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Peter Maybarduk
Director, Access to Medicines Program
Public Citizen