

9 February 2012

Cameron Forbes Kerry
U.S. Department of Commerce
Office of the General Counsel
1401 Constitution Avenue, NW
Washington, DC 20230

Re: Africa Intellectual Property Forum and EO 13155

Dear Mr. Kerry,

We are writing to ask the Department of Commerce to review work on the Africa Intellectual Property Forum, currently scheduled for April 3-5, 2012 in Cape Town, South Africa, to see if the sponsorship of the event violates Executive Order 13155, on Access to HIV/AIDS Pharmaceuticals and Medical Technologies.

The full name for the event is the Africa IP Forum: Intellectual Property, Regional Integration and Economic Growth in Africa . It will be held in Cape Town, South Africa , at the Cape Town International Convention Centre (CTICC) , on April 3-5, 2012. A Department of Commerce web page for the event is here:

<http://www.cldp.doc.gov/programs/Africa-intellectual-property-forum>

According to this web page, the meeting is partly sponsored and funded by the following groups:

- International Chamber of Commerce (ICC)-Business Action to Stop Counterfeiting and Piracy (BASCAP)
- Adams & Adams
- Caterpillar Inc.
- Dolby Laboratories, Inc.
- Eli Lilly and Company
- Spoor & Fisher
- Microsoft Corporation
- Pfizer, Inc.

Among other things, the program covers a number of topics regarding intellectual property rights in pharmaceutical drugs, including both the enforcement of patents and the development of local production of pharmaceutical drugs.

The May 10, 2000 Executive Order 13155, on Access to HIV/AIDS Pharmaceuticals and Medical Technologies, provides for the following restrictions on government actions that would change intellectual property laws in a way to undermine access to pharmaceutical or medical technologies used to treat HIV/AIDS.

In administering sections 301-310 of the Trade Act of 1974, the United States shall not seek, through negotiation or otherwise, the revocation or revision of any intellectual property law or policy of a beneficiary sub-Saharan African country, as determined by the President, that regulates HIV/AIDS pharmaceuticals or medical technologies if the law or policy of the country: (1) promotes access to HIV/AIDS pharmaceuticals or medical technologies for affected populations in that country; and (2) provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

A number of public health and development groups have expressed concerns about this event, pointing to

the lack of balance in the program, which features a number of advocates for corporate right owners. We believe that the program is perceived by African governments as a use of soft power by the Obama administration to change intellectual property laws and policies. We ask that you review this program to determine if the event violates EO 13155.

Sincerely

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Judit Rius Sanjuan , U.S. Manager of the Access Campaign, Medecins Sans Frontieres/ Doctors Without Borders (MSF), 333 Seventh Ave, 2nd Floor, New York, NY 10001 USA

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