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Leaked Documents Reveal Obama Administration Push for Internet Freedom Limits, Terms That Raise Drug Prices in Closed-Door Trade Talks

U.S. Demands in Trans-Pacific Partnership Agreement Text, Published Today by WikiLeaks, Contradict Obama Policy and Public Opinion at Home and Abroad

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WASHINGTON, D.C. – [Secret documents](#) published today by WikiLeaks and analyzed by Public Citizen reveal that the Obama administration is demanding terms that would limit Internet freedom and access to lifesaving medicines throughout the Asia-Pacific region and bind Americans to the same bad rules, belying the administration’s stated commitments to reduce health care costs and advance free expression online, Public Citizen said today.

WikiLeaks [published](#) the complete draft of the Intellectual Property chapter for the Trans-Pacific Partnership (TPP), a proposed international commercial pact between the United States and 11 Asian and Latin American countries. Although talks started in 2008, this is the first access the public and press have had to this text. The text identifies which countries support which terms. The administration has refused to make draft TPP text public, despite announcing intentions to sign the deal by year’s end. Signatory nations’ laws would be required to conform to TPP terms.

The leak shows the United States seeking to impose the most extreme demands of Big Pharma and Hollywood, Public Citizen said, despite the express and frequently universal opposition of U.S. trade partners. Concerns raised by TPP negotiating partners and many civic groups worldwide regarding TPP undermining access to affordable medicines, the Internet and even textbooks have resulted in a deadlock over the TPP Intellectual Property Chapter, leading to an impasse in the TPP talks, Public Citizen said.

“The Obama administration’s proposals are the worst – the most damaging for health – we have seen in a U.S. trade agreement to date. The Obama administration has backtracked from even the modest health considerations adopted under the Bush administration,” said Peter Maybarduk, director of Public Citizen’s global access to medicines program. “The Obama administration’s shameful bullying on behalf of the giant drug companies would lead to preventable suffering and death in Asia-Pacific countries. And soon the administration is expected to propose additional TPP terms that would lock Americans into

high prices for cancer drugs for years to come.”

Previously, some elements of U.S. proposals for the Intellectual Property Chapter of the TPP had been leaked in 2011 and 2012. This leak is the first of a complete chapter revealing all countries’ positions. There are more than 100 unresolved issues in the TPP Intellectual Property chapter. Even the wording of many footnotes is in dispute; one footnote negotiators agree on suggests they keep working out their differences over the wording of the other footnotes. The other 28 draft TPP chapters remain shrouded in secrecy.

Last week, the AARP and major consumer groups [wrote to the Obama administration](#) to express their “deep concern” that U.S. proposals for the TPP would “limit the ability of states and the federal government to moderate escalating prescription drug, biologic drug and medical device costs in public programs,” and contradict cost-cutting plans for biotech medicines in the White House budget.

Other U.S.-demanded measures for the TPP would empower the tobacco giants to [sue governments](#) before foreign tribunals to demand taxpayer compensation for their health regulations and have been [widely criticized](#).

“This supposed trade negotiation has devolved into a secretive rulemaking against public health, on behalf of Big Pharma and Big Tobacco,” said Maybarduk. “We understand that the only consideration the Obama administration plans to propose for access to affordable generic medicines is a very weak form of differential treatment for developing countries,” said Maybarduk.

“It is clear from the text obtained by WikiLeaks that the U.S. government is isolated and has lost this debate,” Maybarduk said. “Our partners don’t want to trade away their people’s health. Americans don’t want these measures either. Nevertheless, the Obama administration – on behalf of Big Pharma and big movie studios – now is trying to accomplish through pressure what it could not through persuasion.”

“The WikiLeaks text also features Hollywood and recording industry-inspired proposals – think about the [SOPA debacle](#) – to limit Internet freedom and access to educational materials, to force Internet providers to act as copyright enforcers and to cut off people’s Internet access,” said Burcu Kilic, an intellectual property lawyer with Public Citizen. “These proposals are deeply unpopular worldwide and have led to a negotiation stalemate.”

“Given how much text remains disputed, the negotiation will be very difficult to conclude,” said Maybarduk. “Much more forward-looking proposals have been advanced by the other parties, but unless the U.S drops its out-there-alone demands, there may be no deal at all.”

The text obtained by WikiLeaks is available at wikileaks.org/tpp. Analysis of the leaked text is available at www.citizen.org/access.

More information about the Trans-Pacific Partnership negotiations is available at www.citizen.org/tpp.