



19 May 2016

The Honorable Senator Orrin Hatch
104 Hart Office Building
Washington, D.C. 20510

Dear Senator Hatch:

We are writing to respectfully request a public clarification by your staff on an important access to medicines issue about which our organizations care deeply.

In the last week, many media outlets have reported on two letters sent by the Embassy of Colombia in Washington, D.C. that describe pressure from the Senate Finance Committee with regard to a possible compulsory license on the expensive leukemia drug, imatinib (marketed in Colombia as Glivec). One of these letters is based upon a meeting with the Senate Finance Committee's Chief International Trade Counsel, Everett Eissenstat.

The letter dated April 28, 2016 describes a meeting wherein, among other things, Mr. Eissenstat falsely claimed that the compulsory license would be in violation of the U.S.-Colombia Free Trade Agreement, and that failure to "correct this situation" would lead to interference with Colombian interests in the United States. Significantly, these threats were sufficient to leave the Colombian Embassy with the distinct impression that proceeding with the compulsory license could jeopardize approval of the financial resources promised to Colombia through President Obama's Paz Colombia initiative.

If these letters sent by the Embassy of Colombia are accurate, this is a highly inappropriate and wholly objectionable attempt to interfere with the right of the Colombian government to proceed with this compulsory license through threats and distortions. In our view it is particularly unconscionable that this be tied in any way to funding for Paz Colombia to support the peace process.

All governments can issue compulsory licenses on patents. As confirmed by the WTO in the Doha Declaration and in numerous other trade agreements, each country has "the freedom to determine the grounds upon which such licences are granted." As you undoubtedly know, while Colombia is considering granting its first post-TRIPS compulsory license on a patent, the United States has granted dozens, on technologies as diverse as tow-trucks, automatic transmissions, software, mobile phones, reformulated gasoline, contact lens, medical devices, and diagnostic tests for the hepatitis C virus. As the United States struggles to protect consumers from high drug prices, policy makers should consider following the Colombian example of curtailing the monopoly rather than putting patients at risk. Unless the United States and other governments are willing to place limits on the monopolies they grant, we all stand to be harmed by excessive prices and barriers to access to lifesaving medicines.

Sincerely,

Health Gap
Knowledge Ecology International
Oxfam America
Public Citizen