

VNP+ DECLARATION ON THE TRANS-PACIFIC FREE TRADE AGREEMENT & ACCESS TO MEDICINES IN VIETNAM

29 February 2012

Vietnam is negotiating a Trans-Pacific free trade agreement (TPFTA) with the United States, Australia, New Zealand, Chile, Peru, Brunei, Singapore and Malaysia. We, the undersigned, declare our opposition to the Trans-Pacific FTA as it puts the profits of multinational pharmaceutical companies ahead of the people's right to health.

We are aware that the United States has tabled intellectual property proposals that would require significant changes to Vietnamese law. If adopted, the U.S. intellectual property proposals to the TPFTA would restrict generic competition, making medicines less affordable. Medicines for HIV, Hepatitis C and lifesaving medicines for cancer and other chronic diseases are under threat. Many people in Vietnam already lack access to lifesaving medicines and new trade barriers could make this worse.

Delaying and restricting access to generic medicines in Vietnam could also make donor funds less effective. In 2008, 94% of funding for care and treatment of HIV came from bilateral programs like the U.S. President's Emergency Plan For AIDS Relief (PEPFAR). PEPFAR relies on generic medicines to provide treatment to as many people as possible, with generics accounting for over 98% of the ARVs purchased through the program. The high cost of some patented products already limits the ability of PEPFAR and other donor programs to expand treatment access. Heightened patent protections could make this problem worse as well.

We stand in opposition to any and all proposals that negatively affect access to medicines in the Trans-Pacific FTA including:

- * **EXPANSIVE PATENT PROTECTION** for new forms, uses and methods of using known substances. These aggressive low patenting standards can extend pharmaceutical monopolies for minor variations on old products, including those that contribute nothing to efficacy.
- * **PATENT TERM EXTENSIONS** that stretch the duration of a patent beyond 20 years.
- * **PATENT LINKAGE** that prevents registration of generic medicines and facilitates abuse.
- * **ELIMINATING SAFEGUARDS** against patent abuse, such as pre-grant opposition.
- * **BIASED PROCEDURAL REQUIREMENTS** that presume challenged patents valid and measure damages by the patent holder's assessment of value.
- * **DATA EXCLUSIVITY** that prevents health authorities from relying on clinical trial data to register generic versions of medicines.
- * **BORDER MEASURES** that could lead to unjustified seizures of generic medicines.
- * **INVESTMENT RULES** that could allow multinational companies to sue governments over application of domestic health regulations in private international arbitration and that may prevent governments from promoting local manufacturing.

We call on:

- The GOVERNMENT OF THE UNITED STATES to immediately withdraw any and all TRIPS-plus provisions in the intellectual property chapter of the TPFTA, and to immediately cease all other forms of pressure and lobbying against Vietnam and Vietnamese officials.
- GOVERNMENTS OF OTHER TRANS-PACIFIC FTA NEGOTIATING COUNTRIES to come together and refuse to accept any further restrictions on production, registration, supply, import or export of generic medicines; to launch Asian-Pacific collaboration on an urgent basis to put in place a sustainable, affordable pipeline of generic medicines for future generations; and to call for an immediate review of TRIPS and its impact on access to medicines in developing and least-developed countries.
- The VIETNAMESE GOVERNMENT to immediately end secrecy around the TPFTA negotiations, make negotiation texts available for public scrutiny and to support through open, transparent and public consultations, assessments of the impact of such negotiations on the right to health and other rights.
- The VIETNAMESE PARLIAMENT & CONSTITUTIONAL BODIES to immediately request the TPFTA negotiating texts, review their impact on the right to health and access to medicines, refuse to endorse or ratify any Agreement that includes provisions that undermine the people's right to access affordable treatment, and review Vietnamese patent laws and medicine regulatory rules to ensure all aspects and elements of the Doha Declaration are incorporated in them.
- CIVIL SOCIETY GROUPS, PEOPLE LIVING WITH HIV, ALL COMMUNITIES FACING COMMUNICABLE, CHRONIC AND/OR NON-COMMUNICABLE DISEASES in the TPFTA negotiating countries to join forces to halt any and all trade agreements that restrict access to generic medicines.

We stand in solidarity with all other peoples whose rights to life, health, livelihood, equality, equity, food, environment, knowledge and traditional systems of life and livelihood will also be negatively affected by these free trade agreements that threaten to widen the gap between the rich and the poor not only between countries but within countries as well.

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Vietnam Network of People Living with HIV/AIDS (VNP+)

SIGNATORIES: (*Group/ Network/ Organization/ Individual*)

1. Hy Vong Network (on behalf of 60 PLHIV groups)
2. Hy Vong Bac Kan Network (on behalf of 5 PLHIV group)
3. Nang Mai Network (on behalf of 7 PLHIV group)
4. Lecturers group from Faculty of Social work - Hanoi National University of Education
5. Hai Duong Network (on behalf of 5 groups)
6. Sun flower Network (on behalf of 12 groups)
7. Hanoi Network
8. Tieng Vong Group
9. Ban – Toi va Chung Ta Group
10. VNMTS Dong Trieu Group

11. Hoa Phuong Do Kien An Group
12. Hoa Phuong Do Kien Thuy Group
13. Hoa Phuong Do An Duong Group
14. Hoa Phuong Do Hai Phong Group
15. Hoa Phuong Do Cát Bà Group
16. Dong Hanh Group
17. Song Tich Cuc group
18. Dien Dan NCH Tre Tuoi
19. Vi Ngay Mai Tuoi Sang Bac Ninh Group
20. Hanoi Center for Health of Woman
21. Ha Long Sun Flower Group
22. Tinh Ban 4 group
23. Tinh Ban 3 group
24. Tinh Ban 1 group
25. Chuong Ban mai – Thai Binh group
26. Vi Ngay Mai Tuoi Sang Ha Tinh group
27. Tinh ban - Bien Hoa group
28. Vi ngay mai tuoi sang Thai Nguyen 1 group
29. Hoa Huong Duong – Dien Bien group
30. Nhom Xuan Hop group
31. Amaron Can Tho group
32. Tinh Ban 5 group
33. Nang Moi – Long An group
34. Hy Vong – Long An group
35. Ban va Toi – Dong Nai group
36. NCH Quang Xuong group
37. CLB Than Thien – Thanh Hoa group
38. Mot Ngay Moi – Thanh Hoa group
39. Hoa Co May – Thai Binh group
40. Vi Ngay Mai Tuoi Sang Thai Binh group
41. Nang Mai 3 group
42. Vi Ngay Mai Tuoi Sang Phu Tho group
43. Vi Ngay Mai Tuoi Sang Ha Nam group
44. Hoa Phuong Do Ninh Binh group
45. Vi Ngay Mai Tuoi Sang Bac Ninh 1 group
46. Sac Mau Nhan Ai group
47. Hoa Dong Noi group
48. Hai Duong Xanh- Hai Duong group
49. Suc Song Moi – Hai Duong group
50. Vi Ngay Mai Tuoi Sang Hai Ninh group
51. Vi Ngay Mai Tuoi Sang Chi Linh group
52. Song Lam Xanh group
53. Vi Ngay Mai Tuoi Sang Quy Hop group
54. Cat Trang group
55. Ngay Moi Nghe An group
56. Vi Ngay Mai Tuoi Sang Thai nguyen 2 group
57. Uoc Mo Xanh Hoang Mai group
58. Hai Dang group
59. Hoa Hai Duong group
60. Vi Ngay Mai Tuoi Sang Kim son group

61. Khat Vong Tinh Thuong group
62. Vi Ngay Mai Tuoi Sang Ninh Binh group
63. Vi Ngay Mai Tuoi Sang Dong Trieu group
64. Vi Ngay Mai Tuoi Sang Van Don group
65. Hoa Phuong Do Kien Thuy group
66. Ban Giup Ban Kien Giang group
67. Niem Tin Can tho group
68. Suc Moi group
69. Niem Tin Bac Ninh group
70. Ban Giup Ban Phu Luong – Thai Nguyen group
71. Ban Giup Ban Pho Yen – Thai Nguyen group
72. Noi Vong Tay Lon – Thai Nguyen group
73. Vi Ngay Mai Tuoi Sang Nghe An group
74. Vong Tay Nhan An – Thai Nguyen group
75. Truyen thong phong chong HIV/AIDS Hue group
76. Vi Ngay Mai Tuoi Sang Tre Xanh – Bac Ninh group
77. Niem Tin Cai Lay – Tien Giang group
78. Nang Mai 1 group
79. Niem Tin – Da Nang group
80. Cham Soc Tai Nha – Da Nang group
81. CLB Yeu Thuong – Quang Tri group
82. Nang Mai 4 - Dong Nai group
83. Cham Soc Tai Nha – TP HCM group
84. Nang Mai 2 group
85. Suc Moi – Ha noi group
86. Hy Vong – Da nang group
87. Tinh Ban- Soc trang group
88. Dong Que- Hai duong group
89. Ha Giang group
90. Mat Troi Cua be Group
91. Nu Cui Group
92. Phu nu co HIV Tinh Bien Group
93. Dong Cam Tan Chau Group
94. Hoan Sinh Phu Tan Group
95. Muon Sac Mau Tan Chau Group
96. Hy Vong cho Moi Group
97. Hy Vong Thoai Son Group
98. Tinh Thuong An Phu Group
99. Vong Tay Am Tri Ton Group
100. Bong Dien Dien Chau Phu Group
101. Co Phan Vu Diem Hang
102. Pham Thi Tuyet Mai - Save The Children
103. Vi Ngay Mai Tuoi Sang Hy Vong Bac Ninh