

Contact: Reshma Ramachandran, PharmFree Chair, (703) 620-6600

November 22, 2013

Dear Negotiator,

On November 13, 2013, WikiLeaks released the entire consolidated negotiating text for the Intellectual Property (IP) Chapter of the Trans-Pacific Partnership (TPP). As physician, biomedical researchers, and pharmacists-in-training from countries participating in TPP negotiations, we are deeply concerned by the chapter text as the proposed provisions will severely restrict access to affordable medicines, access to knowledge, and access to responsible innovation. The document confirms our suspicions that the United States and other governments are prioritizing multinational corporate profits over patients and consumers around the world including their own citizens.

During our training, we witness firsthand the crucial benefit that access to affordable medicines gives to patients. The ability to receive such life-saving drugs is critical in preventing unnecessary deaths due to both infectious and non-communicable diseases. Repeatedly through letter and presentations to you as well as in-person meetings, we have expressed our concerns that the proposed provisions may compromise this access by imposing unprecedented TRIPS-plus IP provisions. The release of the secret text confirms that the U.S. government and other TPP countries have failed to back down from these dangerous proposals. These negotiating positions will jeopardize millions of lives in TPP participating countries by granting monopoly protections to pharmaceutical companies, driving up the costs of medicines significantly. It is simply unacceptable that cost as a result of this agreement will become a barrier to access and ultimately, a healthy life.

This week, while you discuss the latest negotiating text in Salt Lake City, we urge you as negotiators and our government officials to ensure that any provisions included in the final agreement text promote public health and access to affordable medicines. Specifically, we call for the following:

- Removal of dispute resolution provisions that will compromise any of the safeguards found in the WTO TRIPS Agreement that allow governments to use its flexibilities to protect public health within their borders
- Removal of any provisions that would lower the global standards for earning patents including “evergreening” or use of minor modifications of existing drugs to extend market exclusivity
- Removal of any provision to provide data exclusivity for biologics
- Exemption from patent infringement of diagnostic, therapeutic, and surgical procedures similar to 35 USC 287(c) allowing for medical practitioners to be immunized from a suit particularly when the machine, manufacture or composition of matter itself is not patented
- Removal of any provision such as patent term adjustments for patent prosecution or regulatory periods that would delay entry of generic drugs into the market, thereby restricting access to affordable medicines.
- Removal of patent linkage provisions that would cause drug regulatory authorities to take on the additional task of early patent enforcement, allowing for bogus patents to be a barrier to generic drug registration

As signatories to this petition, we implore you to ensure that all TPP provisions ensure that our future patients are able to access evidence-based and effective medicines and procedures rather than forcing us as practitioners to compromise our medical professionalism and the quality of care we are able to provide our patients. In making medical decisions, we as health professionals are accountable first and foremost to our patients. As our government officials, we ask that when negotiating this agreement, you think of who you are also accountable to – citizens including these same patients and consumers worldwide. As the TPP is a historic effort expected to set a precedent for future agreements, we hope that it will also set a precedent in prioritizing the health of our nations.

Sincerely,



American Medical Student Association (AMSA-USA)



Universities Allied for Essential Medicines (UAEM)



Australian Medical Student Association (AMSA)



Student Global AIDS Campaign (SGAC)



International Federation of Medical Students Associations – Quebec (IFMSA-Quebec)



International Federation of Medical Students Associations (IFMSA)