

## **ITPC wants India to remove IP clauses on HIV medicines from EU-India trade pact**

Thursday, December 09, 2010 08:00 IST  
Our Bureau, Mumbai

The International Treatment Preparedness Coalition (ITPC) has urged the Government of India to put the right to health of its citizens and of the fifteen million HIV-positive people worldwide needing treatment above the pharma companies' interests and profits. ITPC wants the Indian negotiators to stress on this matter at the meeting to be held in Brussels on International Human Rights Day to finalise a European Union (EU)-India free trade agreement, between GoI and the European Commission (EC).

ITPC demands that the EC should remove the clauses like the data exclusivity, patent term extension, investment rules, border measures, injunctions and other intellectual property enforcement measures from the EU-India Free Trade Agreement and refrain from introducing them in other agreements. It also has urged all parties at the negotiating table to preserve and protect India's ability to produce and export affordable generic drugs that are the only HIV treatment option for millions of women, men and children.

"If India's ability to produce and export low cost generic drugs is curtailed, millions of people already developing resistance to current treatment will not have access to newer drug options that would be necessary to extend their lives," informed Sarah Zaidi, executive director, International Treatment Preparedness Coalition (ITPC).

Around the world, thousands of HIV treatment activists and health campaigners are alive today because of the availability of cheap generic ARVs. In May 2010, in response to campaigns by pressure groups including MSF's 'hand off our meds' initiative, the EC stated that they are fully committed to ensuring that people in the world's poorest countries can access affordable medicines and indicated that nothing in the agreement would limit India's freedom to produce and export life-saving medicines. However, little information about the state of the agreement been provided to the Indian public, the Parliament or state governments.

Leaked texts of the negotiating documents moreover show that there is little cause for comfort with the EC's statements. The current working text of the agreement still contain clauses on intellectual property protection that go beyond India's obligations under the WTO TRIPS Agreement. These clauses include delaying the registration of generic medicines through 'data exclusivity'; stricter enforcement of intellectual property rules; and stopping of generic medicines in transit through customs regulations.

Loon Gangte, representing ITPC and Delhi Network of Positive People (DNP+), warns, "We will not be meek spectators when our lives are at stake. You may trade anything in this world, but you may not trade away our lives for intellectual property and profit. "

The EC is pursuing free trade agreements with similar provisions on intellectual property in other countries around the world including Malaysia, Indonesia, Thailand and the Philippines. ITPC is greatly concerned that apart from targeting countries like India that produce safe, effective and affordable generic medicines, the EC is also targeting the ability of other developing countries to import generic medicines or make these medicines themselves. ITPC calls on the EC to respect human rights and immediately remove all such provisions from all their free trade agreement negotiations.

Over the past decade, the price of antiretroviral treatment in developing countries has decreased from over \$10,000 per year to about \$70 per year. Lower priced generic drugs have allowed for greatly expanded access to HIV treatment in low- and middle-income countries. Today, more than five million people around the world (but only a third of those in need) are receiving lifesaving HIV drugs, almost 80 per cent of which are manufactured by Indian generic producers.

“Even as global leaders speak of scaling up access to HIV treatment and averting needless death, their economic policies, funding cut-backs and trade agreements tighten the noose on access to treatment and public health protections,” Zaidi added.

ITPC’s members around the world, many of whom rely on the generic HIV drugs, have joined Indian activists to call on the EC and the government of India to uphold the spirit of the 2001 Doha Declaration of the World Trade Organization (WTO) which supports the rights of WTO members to take measures to protect public health and in particular to promote access to medicines for all.

“We call upon the heads of the World Health Organization (WHO), UNAIDS, the Global Fund to Fight AIDS, Malaria and Tuberculosis to join us and speak out for our right to health and make unequivocal public statements to support India’s generic ARV production,” said Rose Kaberia of the East African Treatment Access Movement (EATAM).

ITPC is a worldwide coalition of people living with HIV and their supporters that enables communities in need to access to treatment for longer, healthier, and productive lives.