

## **International experts claim ACTA to threaten global access to affordable medicines**

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Akin to the stand taken by India at the international forum, a large number of international experts from across the world have slammed the proposed Anti-Counterfeiting Trade Agreement (ACTA) as threat to the public interests and noted that the claims by the negotiators were wrong-footed.

Around 90 academics, practitioners and public interest organizations from six continents gathered at American University Washington College of Law recently to analyse the ACTA text, under the aegis of the American University's Programme on Information Justice and Intellectual Property. The convention stated that the draft ACTA threatened numerous public interests, including every concern specifically disclaimed by negotiators.

"Negotiators claim ACTA will not interfere with citizens' fundamental rights and liberties; but it will. They claim ACTA is consistent with the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS); it is not. They claim ACTA will not increase border searches or interfere with cross-border transit of legitimate generic medicines; it will. And they claim that ACTA does not require "graduated response" disconnections of people from the internet; however, the agreement strongly encourages such policies," the statement by the experts said.

ACTA is the predictably deficient product of a deeply flawed process. What started as a relatively simple proposal to coordinate customs enforcement has transformed into a sweeping and complex new international intellectual property and internet regulation with grave consequences for the global economy and governments' ability to promote and protect the public interest, the experts including a few from India said.

ACTA would threaten global access to affordable medicines, including by: authorizing customs authorities to seize goods in transit countries, even when they do not infringe any laws of the producing or importing countries; implicating non-infringing active pharmaceutical ingredient suppliers whose materials may be used downstream in infringing products without their knowledge; limiting key flexibilities on injunctions, including in patent cases, that are necessary for government use, for court-ordered royalties, and for innovation prizes and other policies that de-link cost of research and development from the price of products, they said.