

## **NGOs call upon EU to halt aggressive push for higher IP protection, enforcement**

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A string of international NGOs and legal experts, who have gathered at the XVIII International AIDS Conference in Vienna, have called upon the European Union (EU) to immediately stop their aggressive push for higher intellectual property protection and enforcement through various bilateral and multilateral forums that threaten access to safe, effective and affordable generic HIV medicines.

In a year when governments have failed miserably in reaching Universal Access targets and less than half of those in need are on treatment, activists and experts are calling for an immediate halt to the EU's attacks on access to medicines in developing countries.

The EU is negotiating or planning to negotiate free trade agreements with over 90 developing countries and is pushing these countries to accept TRIPS-plus provisions. Some TRIPS-plus provisions that the EU has been pushing are data exclusivity, patent term extension and higher enforcement standards. These provisions will translate into huge costs for developing countries. For instance, the data exclusivity provision in the Central American Free Trade Agreement resulted in a 845600 per cent increase in the prices of medicines in Guatemala, said Sanya Reid Smith, Third World Network.

"The European Commission (EC) is representing the private interests of its pharmaceutical companies in its aggressive pursuit of greater patent rights and new monopolies such as data exclusivity in the EU-India Free Trade Agreement. This is a direct threat to our access to medicines," said Loon Gangte of the Delhi Network of Positive People.

Highlighting the importance of access to medicines as an integral part of the right to health, Anand Grover, the United Nations Special Rapporteur on the right to the highest attainable standard of physical and mental health, said that the developed and developing country governments have a clear obligation under international human rights law to respect, protect and fulfil the right to health, which includes the right to access medicines.

Nelson Otwoma, coordinator of National Empowerment Network of People Living with HIV/AIDS in Kenya, said that in Kenya, an anti-counterfeiting law was passed that threatens access to generic medicines.

"The EU is a key driver of the secretive negotiations on the Anti-Counterfeiting Trade Agreement or ACTA. And much like a counterfeit, ACTA misrepresents its true ingredients to the public. In the guise of an agreement to protect public health, ACTA could do the opposite, by compromising access to medicines," said Peter Maybarduk of Public Citizen.

Denouncing the EU's actions of seizing generic medicines in transit, Veriano Terto Júnior of the Brazilian Interdisciplinary AIDS Association said that the seizure in the EU of 17 shipments of legitimate, generic medicines on their way from India to Africa and Latin America is an assault on the sovereign right of developing countries to access medicines for their citizens.