TACD

TRANS ATLANTIC
CONSUMER DIALOGUE

DIALOGUE TRANSATLANTIQUE
DES CONSOMMATEURS

PHARMACEUTICALS

The TACD recommends that the governments of the US and the EU should consider the following:

Regarding World Health Assembly (WHO) and the World Trade Organization (WTO):

Require that a country engaged in WTO dispute resolution proceedings be permitted to request a report from the WHO on the public health aspects of the policies that are subject to review by the WTO.

Regarding Patents and Exemptions for Exports:

Agree that a country may provide exemptions to patent rights to companies who are exporting the product to another country where patent rights have expired or where patent rights have been licensed under compulsory licensing and the legitimate interests of the patent owner has been protected under Article 31 of the WTO Agreement on Trade Related Aspects of Intellectual Property (TRIPs Agreement).

Regarding Parallel Imports of Pharmaceuticals:

Not bring trade sanctions against poor countries who seek to use parallel imports to obtain cheaper access to pharmaceuticals.

Regarding Developing Countries and Medical Patents

Not use trade pressures against developing countries over access to essential medicines if those countries have satisfied WTO/TRIPS requirements for the protection of patents. Developing countries should not be prevented from using compulsory licensing to expand access to medicines, if the compulsory licenses are issued in compliance with Article 31 of the TRIPS Agreement.

Regarding Compulsory Licensing

Agree that governments, the World Health Organisation (WHO) and the World Intellectual Property Organisation (WIPO) should consult with the academic community, consumer groups and a wide range of industry groups to determine where compulsory licensing of medical technologies is needed to overcome market failures, such as those that are related to complex inventions, follow on inventions, or for providing access to inventions on reasonable terms.