

Forum: World Intellectual Property Organization

Question of: Improving Access to Generic Medicines in Developing Countries

Submitted by: France



Co-submitted by: Algeria, Australia, Austria, Azerbaijan, Belgium, Bolivia, Canada, Egypt, Greece, Honduras, Japan, Liechtenstein, Morocco, Nigeria, Saudi-Arabia, South Africa, Switzerland, Turkey, Uzbekistan

The World Intellectual Property Organization,

Acknowledging the TRIPS agreement and the fact that new medical inventions need strong Intellectual Property protection as companies need the guarantee that the high costs for research and development will be covered,

Believing that every human has the right to the highest possible standard of health,
Calling to mind the progressive TRIPS agreement and their associated influence on patents and generics,

Deploring that many pharmaceutical companies produce low-cost generic drugs illegally while patents are still valid and thereby undermine and damage the original producer and innovator threatening the innovation of new products,

Fully believing that both developed countries and particularly with regard to generic drugs – the pharmaceutical industry have an ethical responsibility to ensure progress and better standards of life als in LEDCs,

Fully aware of the fact that the availability of medicines decides about the life of millions of humans every year,

Further acknowledging the special importance of access to drugs against HIV/AIDS, malaria and tuberculosis in LEDCs,

Deeply convinced that a solution needs to be found fast to the people instantly but has to have a longtime effect, too,

1. **Calls upon** all member states to fight with all possible means for a better access to generic medicines in developing countries;
2. **Proposes** to improve the cooperation between WTO, WHO and WIPO in issues of IP and health care by founding the Committee on Surveillance of Pharmaceutical Intellectual Property and Health Care (CSPIPHC),
 - a. Which consists of every member state of the WTO and the WHO,
 - b. In which every country has to pay a certain sum dependent on its GDP and its HDI which will be used,

- i. to ensure that the CSPIPHC can offer brand name medical products cheaper than normal and as a result affordable for people in developing countries,
 - ii. to train the police in developing countries with the aim of ensuring success of the monitoring of the black market,
 - c. Which gathers knowledge from the WHO, the WTO and the WIPO,
 - d. Which procures subsidies from the member states to intensify different programs and further action in developing countries,
 - e. Which works on actual problems to ensure a functioning health care system in every country,
 - f. Which controls and ensures that the proposed measures will be enforced in the future and which has to give an annual report to the WHO, the WTO and the WIPO concerning its progress;
3. **Calls for** a clear definition of the terms and conditions under which compulsory licensing can be used;
4. **Suggests** an independent merger of all developing countries that are interested, in order to establish production facilities for these countries which can produce enough generics once the patent has expired and for the lowest possible price;
5. **Further proposes** to envisage the durations of medical patents which should be
 - a. generally limited to 20 years to prevent the situation of a monopoly concerning a life saving drug over decades,
 - b. only to be extended to 25 years if the process of research and development has been extremely cost intensive, so that the extension is necessary to cover the high costs based on the decision of the Committee on Surveillance of Pharmaceutical Intellectual Property and Health Care (CSPIPHC) depending on the company's costs and profit;
6. **Suggests** developing countries to additionally monitor the black market more with the help of more police controls to avoid counterfeit medication being sold;
7. **Urges** to expand the Medicines Patent Pool (MPP) to drugs against neglected diseases, which
 - a. helps pharmaceutical companies to offer licences for their patented holders must not expect a drop in sales and LDCs get affordable drugs to care for their inhabitants,
 - b. recompenses the patent holder by offering an extended duration of the patent, so the companies have an inducement to take part in the Medicines Patent Pool;
8. **Recommends** all member states to respect patents all over the world and not to elide them with court rulings except necessary compulsory licensing;

- 84 9. **Supports** any further ideas, measures and strategies which can be helpful to improve access to
85 generic medicines in developing countries;
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87 10. **Expresses** its hope that the proposed measures will help to improve access to generic medicines
88 all over the world and to save the lives of many humans.