

Third World Network Statement on Patents and Public Health (28 July 2015)

WIPO Standing Committee on the Law of Patents (22nd Session)

Thank you Madam Chair

The issue of prevention of access to medicine due to patent monopoly is no more confined to developing countries. It is now a problem in developed countries too. The public outrage on the excessive prices of the new Hepatitis C medicine (sofosbuvir) in the US and Europe illustrates this. Thousands of people gathered in the streets of Madrid demanding access to the Hepatitis C medicine.

Therefore it is an ideal time to discuss the issue of patents and public health. The original proposal to set a work program in the SCP was submitted at the 16th session and to date there is no concrete decision to start a work program in the SCP on a most pressing issue affecting the life of millions of people.

As mentioned in our intervention previously, the legal and political pressure from developed countries constrains many developing countries from using flexibilities in the international patent regime. Further, many developing countries are also facing institutional and policy constraints in using those flexibilities. Therefore it is the appropriate time for WIPO to initiate a work program contained in SCP/16/7, SCP/16/7Corr. One of the important proposals in that document is the commissioning of an independent experts panel selected in consultation with SCP members to examine the **challenges and constraints faced by developing countries and LDCs in making full use of the public health related patent flexibilities in the pre-grant and post-grant stage**. The current public health challenges in the context of access to medicines and other health products demands such a response from WIPO and its Member States.

It is quite an astonishing fact that WIPO, as a UN specialized agency, does not have a formal dedicated discussion on the impact of patents on public health. As a UN specialized agency it is of utmost importance for WIPO to discuss the issues in formal forums such as the SCP and to take measures to address the concerns emerging out of patent monopoly on public health.

Any delay in taking a decision on a work program on public health and patents would seriously challenge the institutional credibility of WIPO.

We therefore appeal to all Member States to approve a work program on patents and public health contained in SCP16/7 and 16/7 (Revised version) and we look forward to the new proposal from the African Group.

Thank you