

## Trans-Pacific trade talks reach stalemate over IP rights

23 July 2013 | News | By BioSpectrum Bureau



**Singapore:** What started as an effort to lower trade barriers across 12 Pacific Rim nations, from the US and Canada to Vietnam and Chile, the Trans Pacific Partnership negotiations has brought together various drug companies and development groups.

However, the ongoing trade talks in Malaysia have reached a stalemate as drug development groups and companies have got into a clash over intellectual property provisions.

While the US has been pushing for expansion of patent protection, there has been loud resistance against this from emerging economies that fear losing access to affordable medicines.

The issue came about as the biggest sticking points at the 18th round of the Trans-Pacific Partnership (TPP) negotiations that started on July 15 will go on till July 24. Although the main initiative was to reach an agreement by the end of the year, the issue of patent protection for pharmaceuticals is proving to be a big roadblock.

Releasing an open letter to TPP countries, international charity organization Doctors without Borders has expressed serious concern about what could emerge in a deal. "It threatens to restrict access to affordable medicines for millions of people, especially in low and middle-income countries. Unless certain damaging provisions are removed, the TPP has the potential to become the most harmful pact ever for access to medicines," the group said. They further added that the other issue of worry was that the deal could become a 'global standard with worldwide damaging repercussions.'

PhRMA, that represents large global pharma companies in Washington on the other hand countered this strongly. "Strong intellectual property protections in the TPP to bolster biopharmaceutical innovation will help ensure that unmet patient needs are addressed," the group said.

The group explained that they wanted the US to use TPP negotiations to bring IP standards up to American levels, including at least 12 years of protection for biologics. It argues that intellectual property protections are not a barrier to access, when compared with the much bigger problem of scarce infrastructure in doctors and hospitals. It also says strong patent

protections offer an 'incentive' for investments in areas such as drug delivery systems suited to conditions of high humidity and temperatures.

Only two years back, the US tried to bridge the gap in the pharmaceutical debate with a plan that sought to establish a 'TPP access window', which would give greater legal certainty for generic manufacturers, and reduce customs obstacles and duties on medicines. But other TPP countries rebuffed the plan, with the poorest such as Vietnam seen to be most adversely affected.