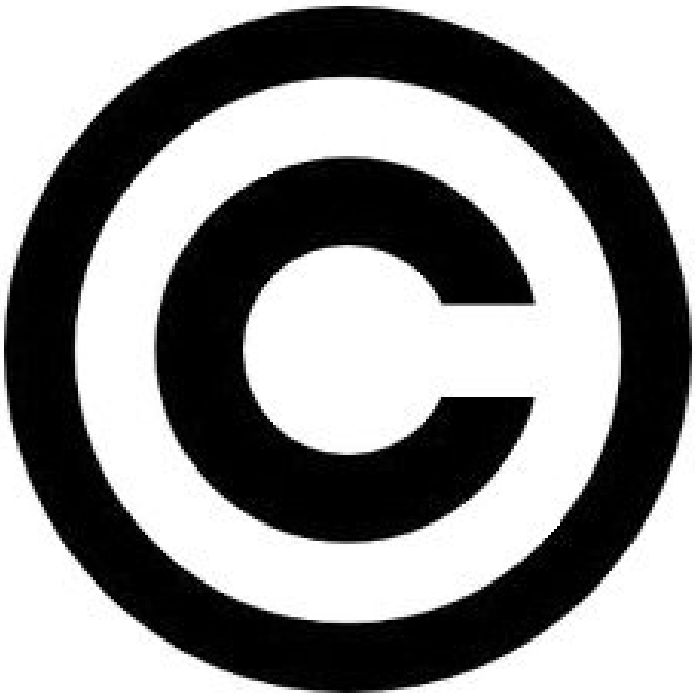
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HIV patients protest against misuse of IP

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HIV patients protest against misuse of IP



The rally is concerned with the warning of harmful intellectual property (IP) provisions - put forth by Japan - severely restricting access to affordable medicines for people in developing countries.

Started in May 2013, the RCEP is being negotiated between the 10 ASEAN (Association of Southeast Asian Nations) countries and Australia, China, India, Japan, New Zealand and South Korea.

Several of the countries negotiating the RCEP are currently also negotiating the Trans-Pacific Partnership (TPP) agreement with the US; leaked drafts of the IP chapter show that the US is pushing for harmful provisions that go beyond WTO trade rules, which are aimed at restricting the ability of governments to regulate in the interest of the public health and delay the availability of low-cost generic versions of medicines.

"As countries are putting forth their own proposals for intellectual property chapter in the RCEP, we are worried that US-style IP provisions have been tabled that would roll back public health safeguards enshrined in international law and in India's patent law," explained Mr Anand Grover, director, Lawyers Collective.

Japan a key participant in the TPP agreement negotiations is now closely allying with the US in pushing 'extremely stringent IP standards' that undermine and delay access to affordable generic medicines.

In the RCEP negotiations, Japan is once again playing a leading role in pushing stringent standards for IP that will undermine and delay access to affordable generic medicines.

The leaked text of a proposal put forth by the government of Japan to the Working Group on IP - called the Elements Paper - includes harmful intellectual property provisions such as patent term extensions, data exclusivity and lowering of the patentability criteria, which serve to extend monopoly protection beyond what is required by international agreements and to create new kinds of monopolies, even after patent-based monopolies have expired or where they never existed.

"The right to life and health of people in developing countries is at stake in this deal. We want public assurances from the new Indian Prime Minister, Mr Narendra Modi, that any intellectual property provisions that would restrict generic competition and access to medicines will be taken off the table by India," said Mr Loon Gangte, International Treatment Preparedness Coalition (ITPC) - South Asia. "We will continue to fight until these damaging provisions are officially and unequivocally out of the agreement."

The RCEP could end up restricting access to life-saving medicines for millions in developing countries by targeting generic competition in India.

Unless damaging IP provisions are removed by countries like India before negotiations are finalized, the RCEP agreement - like the TPP - is on track to become one of the most harmful free trade agreements ever for access to medicines in developing countries.

"We are urging Ms Nirmala Sitharaman, the Indian Commerce Minister, and India's negotiators to stand strong against Japan's demands on the sensitive issue of intellectual property in the ongoing RCEP negotiations," said Mr Vikas Ahuja of the Delhi Network of Positive People (DNP+). "In 2011, protests by networks of people living with HIV resulted in the European Commission withdrawing and India rejecting some of the most harmful IP provisions in the EU India FTA negotiations, and we will ensure our voices are heard this time too."

"India's production of affordable medicines is a vital life-line for MSF's medical humanitarian operations and millions of people accessing treatment in developing countries. MSF alone purchases more than 80 percent of the HIV medicines used in its operations around the world from producers in India. Any inclusion of harmful IP provisions in trade agreements with India would threaten India's role as the pharmacy for developing countries," said Ms Leena Menghaney, regional head - South Asia, MSF Access Campaign.