

HAI statement on IGWG

Geneva 1 May 2008

Thank you Chair, Christian Wagner-Ahlf speaking on behalf of Health Action International.

Health Action International is following the IGWG process with great interest and supports all approaches to transfer the outcome of the CIPIH report into action.

Health Action International is a global network of over 200 members in more than 70 countries. Our work in the area of access to medicine for the last 30 years, has shown us that the existing IP based system of R&D has failed to meet people's needs. There is extensive evidence to show that very little innovation is taking place that address the Health needs of the developing countries and the poor across the globe. Clearly, we need a system that places people's real health needs above the interests of commerce. We need innovation, but more importantly, we need access to innovation.

Therefore, from a public health perspective we would like to focus on two key points:

- Public responsibility

As the CIPIH report shows, there is clear relationship between IP and access to health products. Given this, we would strongly propose that the WHO must have a clear mandate to work in the area of IP and innovation. We thus ask for the recognition of WHO as the leading stakeholder for realizing the Global Strategy and Plan of Action.

By no means should the Draft strategy dilute the flexibilities in TRIPS that have been established in various forums. This means, explicitly, no TRIPS plus provisions in Free Trade Agreements, such as for example, provisions relating to data exclusivity.

- Incentives for pushing R&D:

The negotiations are an opportunity to explore and put in place new mechanisms for doing Research on Health Products that are outside the TRIPS framework. We ask to explore all possible incentives mechanism for Research and Development that consider both: innovation and access to this

innovation. Here we ask all governments to show openness for breaking new grounds. We need willingness to fund new approaches that are not focused on commercial interest but on public health needs. This also includes a rethinking of how to deal with public funded research that is licensed to commercial partners. One possibility among others is to use open licensing for public funded research.

If we want to solve the problems related to access and innovation that has existed for long, it is not enough to stop at the IGWG negotiations. The plan of action has to be filled with life. This will only be possible if all governments accept this challenge as their responsibility. Health is a public responsibility and we look forward to country governments rising up to the challenge of redeeming this responsibility in full.

Thank you.

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