

Intellectual Property, Pharmaceutical Corporations, and Access to Generic Medications

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Hello. My name is Juyeon Rhee. I live in Tenafly, NJ and am a member of Korean Americans for Fair Trade. I'm going to highlight some problems of the Intellectual Property aspects of the Korea-US FTA.

KAFT is concerned that the FTA's provision on Intellectual Property and on Pharmaceutical Products and Medical Devices contains anti-consumer measures. This data exclusivity provision requires special, monopolistic protections for the tests results and test data for pharmaceutical products and medical devices. This data is costly to produce and this prevents the generic drug to market as quickly as possible, for the benefit of general consumers. This data protection provision extends the de facto life of pharmaceuticals patents by three to five years or more beyond the TRIPS-imposed 20-year patent term requirement -- by holding back the market introduction of a generic drug by "at least five years" from the date of its approval. (Article XX.10.1(a) and (b)). Understandingly we need to protect the rightful (20 years by law) protection of the innovative invention – but, the patent term limit is determined by law for the benefit for the public – to promote the availability of the knowledge for the public so that the public can enjoy all innovative inventions without worrying about the exclusive rights. This additional protection delays the availability to consumers of generic medicines more than 5 years. It greatly expands patent rights beyond the patent law of the US and the WTO TRIPS Agreement, and reduces availability of generic drugs to market and, therefore, decrease the affordability of medicines for consumers. Affordability, in practical terms, equates to the availability of generics and to compulsory licensing in some cases.

This provision only serves the profits of pharmaceutical multinational corporations, does not serve to create more job opportunities for generic drug manufacturers, and does not serve the population which benefits from the availability and affordability of those generic drugs.

We recently bumped into Steven Rothman on a labor day fair. He told me that because Koreans living in his district support FTA, he also supports Korea-US FTA. South Korean consulate offices have been working overtime to present an image that all of the Korean Americans living in the US support this Korea-US FTA. However, Korean Americans living in the US and Mr. Rothman's district are still connected to and communicate with their families in Korea. Most of us are aware the problematic provisions of this Korea-US FTA. South Koreans call many of the current version of Korea-US FTA as poisonous provisions. Young has just mentioned south Korean president's approval rating down to 30% - two years ago, it was over 70%. The government is very unpopular, and this FTA has been known to be unpopular in Korea. This FAT is based on the flawed model of NAFTA and includes provisions, most notably that undermine environmental and climate protections, that hurts the universal healthcare system of Korea, and that does not really going to improve the ordinary people's lives. A lot of Korean Americans live in Rothman's district and many of us have voted for him. This time, we Korean Americans for Fair Trade strongly urge Representative Rothman to vote against this Korea-US Free Trade Agreement.