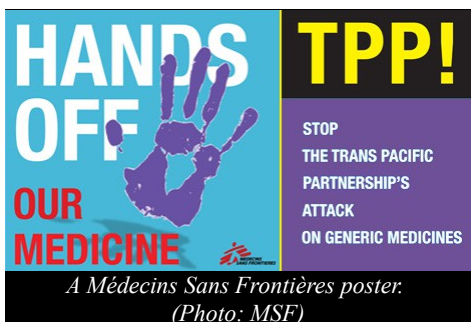


KEEP HIV/AIDS MEDICATIONS AFFORDABLE: STOP THE TPP!



WikiLeaks Reveals How a Secretly Negotiated trade Agreement Could Limit HIV/AIDS Treatment Access

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In November 2013, WikiLeaks leaked the intellectual property (IP) chapter of the controversial and highly secretive Trans-Pacific Partnership (TPP) free trade agreement, considered by HIV organizations and activists worldwide to represent a serious threat to ongoing access to affordable drugs. The leaked 95-page chapter revealed not only that the Obama Administration's demands for protecting drug patents are the most extreme seen in any U.S.-led trade agreement to date, but also how much opposition there is to those positions among the other potential TPP member states.

According to the document, the U.S. was the lone “yes” vote for the majority of the most controversial IP provisions relating to affordable drug access. And though the U.S. had set December 2013 as its target deadline to finish the negotiations, no agreement was reached. “The recent leak has confirmed the aggressive push by the U.S. to prevent developing countries from balancing international trade commitments with the right to health, and the push back to this from other countries,” says Shiba Phurailatpam, director of the Asia Pacific Network of People Living with HIV/AIDS (APN+). “The countries’ demand must remain that the TPP not contain anything that goes beyond the existing World Trade Organization’s (WTO) Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement.”

The U.S. is proposing that the TPP increase IP protections under that landmark 1995 WTO agreement in several ways, including by slowing the approval of generic medicines, extending certain patents beyond the current limit of 20 years, and allowing re-patenting of older drugs with minor modifications—even in the absence of new therapeutic benefit. The prospective TPP member countries currently include the U.S., Japan, Mexico, Canada, Australia, Malaysia, Chile, Singapore, Peru, Vietnam, New Zealand, and Brunei, which together constitute 40% of the world’s economy—making the TPP one of the largest free trade agreements in the world.

Because newer antiretroviral medicines are still under patent, many low- and middle-income countries in the Asia-Pacific do not currently have broad access to treatment regimes that are easier to take or to the second- and third-line antiretroviral treatments (ART) that are critical to the survival of those living with HIV who have developed resistance to first-line medications. “Despite the huge advances that have been made in

the variety and efficacy of ART over the last decade, newer and better-tolerated treatment options will be needed to fight the epidemic effectively,” says Chris Collins, amfAR vice president and director of public policy. “The TPP could delay the entrance of generic competition for these much-needed medicines and keep prices high.”

Additional countries, such as Thailand and India, are under pressure to join the agreement.

India produces 80% of the world’s generic medication, and even if it does not enter the TPP, the regulations could reduce its export market and negatively impact the global generic industry. The Thai government expressed interest in joining the TPP in 2012, but after civil society groups, including TREAT Asia, denounced it and outlined the effect the agreement could have on the country’s ability to supply low-cost generic drugs, the government withdrew its consideration. However, economic pressures could force it to reconsider at a later date. “As people living with HIV, we have experienced first-hand the result of these monopolies on medicines. In the early 2000s, millions in the developing world died of AIDS even though treatment was available...the pills seemed more like gold and diamonds—meant only for the wealthy,” said Phurailatpam.

TPP negotiations are expected to resume early this year. The Obama administration has stated that it hopes that the final provisions of the TPP agreement will serve as a standard for other future free trade agreements. Efforts to convince the Office of the U.S. Trade Representative and the Obama administration to reconsider their position on the IP chapter continue both in the U.S. and around the world.

WHAT YOU CAN DO

- Call, email, and send a letter to your Congressional Representative and Senators and request that they oppose ANY legislation to expedite TPP through Congress, whether called “Fast Track”, “Smart Track”, “Trade Promotion Authority”, or anything else. You can find their names and contact information at <http://tradejustice.net/leg>.
- Visit <http://tradejustice.net/tpphiv> to learn more about why TPP threatens access to lifesaving HIV medications.

LOCAL CONTACT

Text and graphics compiled by AmfAR, the Foundation for AIDS Research
Formatting and “What You Can Do” section by TradeJustice New York Metro
(718) 218-4523 Email: info@tradejustice.net Web: <http://tradejustice.net>



HIV positive protestors in India denounce free trade agreement provisions that limit access to affordable drugs.
(Photo: Mudit Mathur)