

What is at stake?

Millions of people can't get the medicines they desperately need. The WTO agreement on Trade Related Intellectual Property Rights (TRIPS) requires that WTO member countries provide a minimum of 20-years of patent protection for 'creations', including the development and production of essential medicines.

What is contentious?

The TRIPS-enforced patent protection of pharmaceutical drugs means that access to essential medicines – such as anti-retroviral or ARV drugs – can only be gained with the permission and on the terms of the patent holder. With patented brand-name pharmaceutical drugs prohibitively expensive, TRIPS prevents poorer countries from importing less-expensive generic drugs or copying patented drugs to save the lives of their people.

In fact, more than one-third of the world's population lacks access to essential medicines. In the poorest parts of Africa and Asia, more than half of the people lack access to essential medicines. Pharmaceutical corporations have priced ARV drugs at U.S.\$10,000, but have refused to disclose how they arrived at this price. Generic pharmaceutical drug manufacturers in India have said they could produce the drugs for as little as \$350.

At the 2001 WTO ministerial in Qatar, a Doha Declaration on the TRIPS Agreement and Public Health was developed. This declaration stated that the "TRIPS agreement does not and should not prevent members from taking measures to protect public health." The United States, Canada, Japan, Switzerland, Australia and other countries have worked to undermine the TRIPS and public health declaration and in various ways have continued to make it difficult for poorer countries to access essential medicines. The deal signed on August 30, 2003, is a considerable step backwards in terms of the Doha declaration. It is so complex that it remains to be seen if it is even economically feasible and administratively workable.

Other problems with TRIPS include: patent protection has contributed to huge increases in the cost of medicine (a 342 percent increase over the last 15 years in Canada); "bio-piracy," whereby corporations claim patents on life forms like plants and control their use as "private property"; and the promotion of monopolistic practices by large corporations.

They say:

"Intellectual property protection...is the central public policy pillar on which the knowledge based industries of the late twentieth century rest. It is not just about protecting profits or satisfying some narrow self-interest."

Edmund Pratt, Pfizer CEO.

We say:

More than 3 million people died of HIV/AIDS in 2002; malaria causes more than 1 million deaths every year; and tuberculosis claims 2 million lives every year. The WTO TRIPS agreement is a very real obstacle to governments undertaking strategies to save the lives of millions of people around the world.