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Non-governmental organization reactions: Anti-Counterfeiting Trade Agreement negotiations

Reacting to the outcome of Anti-Counterfeiting Trade Agreement talks today, a coalition of non-governmental organizations slammed the negotiating parties' push to stifle the trade in legitimate generic medicines, saying this would endanger the lives of millions of poor people in developing countries.

The new Anti-Counterfeiting Trade Agreement (ACTA) is due to be completed by the end of 2010. In this week's negotiating round, trade ministers are proceeding with an Agreement that will introduce a framework for stricter intellectual property rules despite numerous warnings from public interest groups and developing countries. This included a meeting between a group of non-governmental organizations and the negotiators on the first day of this week's round in Lucerne, Switzerland. Civil society groups were also outraged that negotiators, despite repeated requests at this week's meeting, would not confirm whether they will release the text publicly after this week's negotiations.

Reactions from non-governmental organizations:

Rohit Malpani, Oxfam: "The Anti-Counterfeiting Trade Agreement is the latest gift from rich countries to the multinational pharmaceutical industry to limit access to affordable, generic medicines in developing countries. Despite numerous warnings, countries are persisting in their push for new intellectual property rules that will harm public health around the world."

Patrick Durisch, Berne Declaration; "ACTA would in a very undemocratic way contribute to establish a climate of general suspicion and shift enforcement burdens from the private to the public sector, whilst not solving the problem with dangerous fake medicines."

Pauline Londeix, Act Up-Paris: "2010 was supposed to be the year of the universal access to HIV/AIDS treatments. But in 2010, less than 40% of people among those who need it urgently have access to life-saving drugs. If concluded, ACTA will hinder access to cheap generic medicines and millions of people will be denied access to life-saving treatment."

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Notes to editors:

- Countries negotiating ACTA are: Australia, Canada, the European Union, Japan, Mexico, Morocco, New Zealand, Singapore, South Korea, Switzerland and the United States.
- Civil society groups are concerned with many technical provisions in the ACTA negotiating text which go beyond the obligations of the TRIPS Agreement .Some of these provisions are :
 - Broad scope of intellectual property included under the Agreement. The inclusion of patents and 'confusingly similar' trademarks are irrelevant to anti-counterfeiting measures and instead create new barriers to the legitimate trade in generic medicines.
 - The Agreement currently authorizes customs authorities to seize goods-in-transit and uses the laws of the in-transit country. This has contributed to the seizures of at least 20 shipments of legitimate generic medicines within the EU intended for developing countries.
 - The lack of anti-abuse provisions will enable multinational drug companies to order customs officials to act on behalf of their commercial interests.
 - Limitations on key flexibilities, especially with respect to damages and injunctions.
 - The Agreement creates broad based 'intermediary liability'. Provisions under ACTA can subject intermediaries to injunctions. Injunctions could affect many key participants in the global pharmaceutical value chain for generic medicines – including active pharmaceutical ingredient manufacturers that supply the key ingredients needed in all medicines.
 - Creation of a new institution under ACTA that would push developing countries to adopt ACTA.