

Measures That Reduced Price of Patented HIV Medicines Should Be Used to Safeguard Access to New Essential Medicines

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New book and website launched by Health Action International describes impact of out-of-balance patent system on access to medicines, encourages governments to use flexibilities in IP system

AMSTERDAM—To safeguard access to new essential medicines, governments must employ the same approaches to intellectual property (IP) that were used to improve affordable access to antiretroviral treatment for HIV/AIDS, says a new book written by public health advocate, Ellen 't Hoen, and released today by Health Action International.

The book, [*Private Patents and Public Health: Changing Intellectual Property Rules for Access to Medicines*](#) chronicles parallel developments in global public health and international patent laws. It warns that strict patent regimes are creating pharmaceutical monopolies that keep medicine prices—particularly for new hepatitis C, cancer and tuberculosis medicines—beyond reach for patients in all countries, rich and poor.

“Global health and access to medicines policies are now at a critical juncture,” said Ms 't Hoen. “To avoid other access to medicines crises, like the HIV/AIDS epidemic in which 8000 people per day died when affordable treatment was not available, governments must take bold action to restore balance in the pharmaceutical patent system. To do this, they can use a range of policy tools that have successfully increased HIV/AIDS treatment access for 13 million patients worldwide since the early 2000s.”

Ms 't Hoen points to numerous successes over the past decade of governments making use of flexibilities in the IP system whereby patents were licensed or not enforced to lower the price of HIV medicines and improve access among citizens. The shift in approach to patents for HIV medicines opened the door for the establishment of the Medicines Patent Pool which negotiates patent licences with manufacturers for HIV, hepatitis C and tuberculosis treatments.

To improve the future of pharmaceutical innovation and ensure robust financing mechanisms for R&D are put in place, the book also discusses proposals for

internationally-negotiated agreements for essential medical R&D.

As an addition to the book, Health Action International also launched a new website (www.accesstomedicines.org) that incorporates simplified content from Ms 't Hoen's book, along with infographics that can be easily shared via Twitter and Facebook. The main purpose of the site is to provide those who are new to the access to medicines field with a basic level of knowledge about the relationship between IP and access to medicines; however, experienced advocates, policy-makers, consumers and journalists may also find it useful given that it provides more in-depth analyses into key IP issues, along with resources and infographics that can be used in their work.

In addition to providing a brief explanation of how the current pharmaceutical patent system works, the website dispels common misconceptions about compulsory licences and the actual cost of R&D. It also explains why patents do not necessarily lead to new and needed medicines—contrary to pharmaceutical industry assertions, and presents prize funds as a viable alternative to today's patent system.

“Both the book and website are essential reading for anyone working in medicines policy,” said Tim Reed, executive director of Health Action International. “We hope advocates will incorporate the information and infographics on this website into their own campaigns, and that policy-makers and consumers will be better informed about the impact of IP on the medicines we need.”

Ms 't Hoen's book is available, free of charge, on the new website at www.accesstomedicines.org. Printed copies may also be obtained from Health Action International by emailing manual@haiweb.org.

The website and book were funded by a grant from the [Open Society Foundations](#).

About Ellen 't Hoen

Ellen 't Hoen, LL.M. is a lawyer and public health advocate with over 30 years of experience working on pharmaceutical and intellectual property policies. From 1999 until 2009, she was the director of policy for Médecins sans Frontières' Campaign for Access to Essential Medicines. In 2009, she joined UNITAID in Geneva to set up the Medicines Patent Pool (MPP), an initiative that negotiates patent licences with pharmaceutical companies to ensure access to affordable generic medicines for the treatment of HIV. She was the MPP's first executive director until 2012. She is a member of the World Health Organization's Expert Advisory Panel on Drug Policies and Management, The Lancet Commission on Essential Medicines, the Advisory Board of Universities Allied for Essential Medicines (UAEM) and the Editorial Board of the Journal of Public Health Policy. She has been listed as one of the 50 most influential people in intellectual property by the journal, Managing Intellectual Property, and been published widely on health and intellectual property subjects in medical and legal journals. She is also an independent consultant in medicines law and policy to

a number of international organisations and governments and a researcher at the Global Health Unit of the University Medical Centre at the University of Groningen, The Netherlands.

About Health Action International

[*Health Action International*](#) is the only non-governmental organisation that is entirely dedicated to strengthening medicines policy to improve public health. Our staff and global network of independent experts in 70 countries share information and expertise to solve medicines access and use problems around the world. We want all people to receive the right medicine, in the right dose, for the right amount of time, at a price they can afford.