



## Joint NGO Statement

### WHO should refocus its efforts on wider public health threats

11 May 2010 - As an intergovernmental body focused on health, there are serious concerns about the World Health Organization's (WHO) participation in, and endorsement of the International Medical Product Anti-Counterfeit Taskforce (IMPACT). IMPACT has been identified as an intellectual property (IP) enforcement initiative, operating outside the purview of WHO member states and it fails to address the root causes of the proliferation of medicines with compromised quality and safety, such as high medicines prices.

"WHO's involvement in IMPACT legitimises the TRIPS *plus plus* IP enforcement agenda pushed by OECD governments and businesses and undermines public health. It threatens WHO's credibility as an institution charged with protecting the Right to Health" said Sangeeta Shashikant, from Third World Network.

Sophie Bloemen from Health Action International commented, "governments and intergovernmental bodies should not spend time advancing and strengthening the IP rights of pharmaceutical companies, who are free to protect their private rights at their own expense, and instead should focus on tackling the key issues that affect public health."

"At a time when millions of people still go without the medicines they need due to high prices, ongoing WHO participation in IMPACT is a major step in the wrong direction. Enabling the pharmaceutical industry to aggressively enforce intellectual property rights in developing countries does nothing to lower medicine prices or improve the quality of medicines" added Rohit Malpani of Oxfam.

Despite the many pressing issues of quality, safety, and efficacy of medicines, there is still a narrow focus on intellectual property in relation to medicines and the focus on so-called 'counterfeit' medicines means that even fewer resources are available to address real public health threats from compromised quality and safety. A number of NGOs agree that WHO's resources should be geared toward policy measures that lower medicine prices and ensure patients in developing countries get access to safe and effective medicines.

Dr. Gopal Debade, Co-Convener of the All India drug Action Network (AIDAN) commented that "high prices and unethical promotion of drugs are the basic factors responsible for the circulation of medicines with compromised quality. WHO should focus on these fundamental issues and not on the enforcement of IP rights."

Kevin Outtersson, Associate Professor and Director of the Health Law Program at Boston University, reinforced this point stating that, "counterfeiting is the intentional violation of trademark law - and nothing more. The patent-based drug industry has tried for years to confuse

the issue, tricking policy makers into distrusting and blocking genuine generic drugs through patent laws and border enforcement. Generic drugs save lives and should be promoted."

Loon Gangte of the Delhi Network of Positive People (DNP+) in India stated, "WHO's primary concern should be public health and not the enforcement of intellectual property rights. As a public health organisation, it should not pursue an agenda that puts patients' lives in danger".

WHO should refocus its efforts on addressing the wider public health threats by:

- Promoting intergovernmental discourse on medicines quality, safety, and efficacy;
- Strengthening the capacity drug regulatory authorities; and
- Addressing high medicines prices and other barriers to access
- Preventing the unethical promotion and marketing of medicines that divert already limited health resources toward high-priced medicines instead of affordable essential medicines.

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