
CURRENT ISSUES IN INTELLECTUAL PROPERTY: A PATIENT PERSPECTIVE

*Consumer Advocare Network's submission
to WHO's Second Public Hearing on Public Health Innovation and Intellectual Property*

Summary

Consumer Advocare is disappointed that patient groups have not been offered the support and encouragement to participate in this issue. We believe that patients in developed and developing countries have similar interests and should not be polarized against one another. Specifically, we recommend the following actions.

Ensure patient involvement in ongoing discussions around IPP as it relates to medical R&D and healthcare by providing opportunities, resources, and encouragement for patient groups to become informed and to educate communities.

Ensure strong incentives for continued R&D and innovation, such as public-private partnerships to develop new products and expand access in developing nations.

Support strategies to improve access to safe treatments. Differential pricing for new therapies may be offered to low GDP countries where healthcare systems cannot (or will not) pay. However, a key problem with "differential pricing" has been arbitrage, or re-sell of drugs back into the developed country markets, which undermines the intention to provide drugs to patients in a specific country.

Support strategies and incentives to improve research into neglected diseases. Market-based incentives include "pooled advance purchase commitments" for medicines such as vaccines, whereby governments, foundations, and international alliances commit to purchasing specified quantities of vaccine at contracted prices and then give it to the poorest countries (at affordable prices). An alternative route proposed is the Medical Research & Development Treaty (MRDT) whereby countries would pool funds to develop treatments for under-served areas and disorders.

Ensure continued incentives for R&D into rare disorders. Free-market incentives provided by Orphan Drug Acts have stimulated development of treatments for previously ignored rare disorders.

Access and innovation are inseparable. Without access innovation generates no benefit, without innovation, access leads to limited outcomes. WHO should help continuing to foster an environment that provides strong incentives to innovate; providing support to those patients that need affordable medicine, and addressing the issues preventing patient access even to off-patent medicines in developing countries.

A key problem for patients is the lack of quality standards (regulatory control) for treatments manufactured under a compulsory license and imported into developing countries. Any strategy must ensure that all medicines, wherever they are developed or produced, must pass through a stringent regulatory framework that guarantees quality of the manufacturing process; security of the supply chain, and high quality information provided to patients.

It is also important to address inefficiencies in procurement, storage, prescribing, and use of drugs many developing countries whereby consumers benefit from an estimated \$12 worth of treatment for each \$100 spent by the public.

A strong patent system works well to stimulate development by providing incentives to developers in the form of a "limited-term monopoly." whereby profits are returned to the developers through the sale of inventions (medical products). Most drugs used today—whether they are "brand-name" medicines or generic copies—are the products of a system that has encouraged innovation by protecting intellectual property through patents.