



Submissions on the WHO Intergovernmental Working Group on Public Health, Innovation and Intellectual Property's Draft Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property

Health Action International Africa (HAI Africa) presents its submissions on the 2nd IGW draft

Element 1: Prioritizing research and development needs

- Paragraph 9 it is our submission that research and development needs should not only be restricted to Type I, II and III diseases. This list constitutes only 14 diseases whereas there are others that disproportionately affect developing countries.
- In paragraph 1.3(b) of the progress indicators, we propose that a further progress indicator should be included reading as follows: **“number of technological experts supported, number of pharmaceutical technologies transferred and number of pharmaceutical products manufactured in developing countries”**. Such a progress indicator should be a tacit measure of the support developing countries receive in building technological capacity.
- In paragraph 1.4 of the draft plan of action we propose that non-governmental organizations should be included as stakeholders. Already there are non-governmental organizations involved in research set in addressing public health needs and thus would make useful inputs in the process of formulation of explicit prioritized strategies for research and development.

Element 2: Promoting research and development

- In paragraph 2.3(c) we propose that Type I diseases as well as other diseases identified be included as well. At the same time, basic and applied scientific research needs not to be promoted but supported.
- Further we propose that a new element 2.5 be added to read, “promote and encourage prior informed consent and benefit sharing in research involving traditional knowledge and genetic resources”.

Element 3: Building and improving innovative capacity

- In paragraphs 3.1 (a) and ((b) of the plan of action we propose that non governmental organizations be included as stake holders.

- In paragraph 3.2(c) of the progress indicators, we propose that a new progress indicator, “No of countries with measurable increase of researchers and health professionals for all reasons and due to migration.” be included.
- We also propose that a new element 3.5, to read “develop and implement incentives for innovation” be included and be followed by the following sub-elements:
 - (a) support public awareness and education activities in intellectual property rights in developing countries.
 - (b) establish and support award schemes for innovations at national and regional levels as well as international arena.
 - (c) encourage and support establishment of intellectual property rights policies in tertiary institutions.

Element 4: Transfer of technology

- We propose that at the end of paragraph 4.2(d) the following phrase should be added “and other applicable multilateral or bilateral arrangements”.
- In paragraph 4.2 (d) of progress indicators, we propose that the following progress indicator be added: ‘number of incentives provided to local enterprises, number of subsequent technologies transferred.’
- For the sake of uniformity, in paragraph 4.2(d) (i) on progress indicators, replace ‘least developed countries’ with ‘developing countries’.
- We also propose that the following new element be added:
 - ‘facilitate technology audit and subsequent commercialisation’ with the following sub elements:
 - (a) promote and support establishment of technology transfer offices in tertiary institutions.
 - (b) promote research and development institutional linkage with industry.

Element 5: Management of intellectual property

- In element 5.1. (b) we propose that ‘government departments’ be replaced with ‘stakeholders’.
- In the draft plan of action 5.1. (c) and (d) we propose that regional bodies as stakeholders. Examples of such regional bodies include the Africa Union, OAPI and ARIPO.
- In element 5.1(c), we propose that the same be rephrased as follows: ‘improve retrieval and dissemination of IP information and databases at national level’.
- In element 5.2. (b) we propose that the words appearing after “‘TRIPS plus’ protection’ be deleted.
- In element 5.2. (c) we propose that the brackets be removed to emphasize on the value of the Doha Declaration on TRIPS Agreement and Public Health.
- In element 5.3.(d) we propose that it is the impact of compliance with the requirements that needs to be assessed, not an examination of measures to comply with the requirements of TRIPS for the protection of undisclosed test data against unfair commercial use.

Element 6: Improving delivery and access

- In element 6.1 we propose a new element (d) to read, ‘encourage pooled procurement mechanisms in developing countries’.
- In element 6.2(d) we propose that the word ‘encourage’ be replaced with ‘support’.
- In element 6.2(e) we propose that the word ‘minimize’ be replaced with ‘address’.
- In element 6.3. (a) we propose that the words, ‘on patent expiry’ at the end of the sentence be deleted, as they imply that generic drugs cannot be produced before the expiry of a patent. Mechanisms such as voluntary and compulsory licensing allow for the production of generics before the expiry of a patent.
- We also propose the following new elements:
 - (g) utilize the flexibilities in the TRIPS Agreement especially on parallel importation (exhaustion of rights) and research exemption.
 - (h) exploit expired or invalid patents to introduce generics in the market.
 - (i) promote use of generics in the developing countries.

Element 7: Ensuring sustainable financing mechanisms

- We propose that in element 7.2 the word ‘pharmaceutical’ should be added after ‘affordable’.

Element 8: Establishing monitoring and reporting systems

- We propose that element 8.1(a), be rephrased as follows: ‘establish systems to monitor and evaluate performance of this strategy and plan of action and report progress every two years to WHO governing bodies for appropriate action.’
- In element 8.1(a) (i), we propose that the word ‘evaluate’ be added before ‘reporting’.
- In element 8.2(a), we propose that the word ‘evaluate’ be added before ‘report’ and the words, ‘for appropriate action,’ be added after ‘report’.