

The National Grange

Of the Order of Patrons of Husbandry

Building Communities



Comments to the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, World Health Organization on Development of a Global Strategy and Plan of Action on Essential Health Research to Address Conditions Disproportionately Affecting Developing Countries

Submitted by
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The National Grange would like to provide the World Health Organization Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG) with its comments on the issue of public health, innovation and intellectual property protection as those issues affect rural communities in the developed and developing world. The National Grange would like to express deep concerns about current text of the draft global strategy and plan of action that has been recently presented by IGWG to the public. We believe that the direction of the current draft, which would move sharply away from the current, successful model of private sector driven pharmacological innovation coupled with public/private partnerships for distribution of these pharmacologically innovative products in individual nations will be highly detrimental to the public health interests of billions of the world's rural citizens in both developed and developing nations. We believe that the attempts of some developing countries, like Thailand or Brazil, to use the compulsory licensing as a vehicle for arbitrarily patent breaking is especially troublesome and threatens the pipeline for future innovative pharmaceutical medical technologies that are critically necessary if rural communities in the developed and developing world will be prosperous, healthy and vibrant communities in the 21st Century.

The National Grange of the Order of Patrons of Husbandry (National Grange) is the oldest general farm and rural public interest organization in the United States of America. Founded in 1867, the National Grange has been representing the interests of family farmers and rural citizens of the United States for 140 years. Today the National Grange represents individual farmers and rural Americans affiliated with more than 2800 local, county and state Grange chapters in rural communities across the United States.

Over the course of the last 140 years, the United States has gone from a predominantly rural, developing nation to a highly developed nation with a still substantial rural population. Therefore the National Grange has unique historical perspective on the policies and programs that successfully foster innovation and development in a dynamic society and that equitably share the results of those innovations with people living and working in farming and rural communities.

Throughout its history, the National Grange has supported the efforts of private industry, academia and government supported research working in the free market environment to provide medical innovation under the protection of intellectual property rights regimes that balance the need for a return on investment of time, labor, research and education against the need for cost effective and timely distribution of innovative medical technologies to those who need it most and who can least afford them in rural communities. The fruits of this successful and carefully crafted compromise regime includes the widest variety and broadest access to life-saving medical drugs, both in developed and in developing countries, in the history of mankind.

In creating a plan of action to address health conditions disproportionately affecting developing countries, access to existing medicines as well as access future medicines are both equally important goals. The IGWG draft, however seems to presume that patent protection and other intellectual property protections are and will be for the foreseeable future, the major inhibitors of access to life saving medications in poorer, rural countries. There is no evidence that this presumption is supported by fact or the record before the IGWG. The National Grange does not believe that existing patent regimes are a significant barrier to patients' accessing essential medicines. Rather, it is the overwhelming poverty of the target patients, geographic isolation of patients living in remote farming and rural communities, corruption within the local governmental and social systems, the lack of government attention to make health care a political priority, a lack of medical personnel, and inadequate transport and distribution infrastructures that are the biggest barriers to access to life saving medicines for rural people around the world. Any plan of action furthering the goal of access to medicines for rural people around the world needs to reconcile the need for strong discovery incentives that will attract investment capital and the highly skilled human resources needed to keep pharmaceutical innovation moving with the need for affordable access to life saving medicines.

To address the major barriers to access to life saving medicines in remote and rural communities across the planet, the National Grange fully supports the considerable progress that has been made in recent years by governments, industry, charitable foundations, and nongovernmental organizations around the world in funding initiatives to develop new products to fight diseases affecting rural communities in developed and developing countries, and to increase access to existing pharmaceutical products. These efforts deserve continued and expanded support by the World Health Organization.

The National Grange is further concerned that compulsory licensing regimes could result in significant disparities of treatment options available to rural patients with chronic illnesses against rural patients with infectious diseases. Weakened patent protections would curtail incentives for innovative research that could significantly impact rural patients facing some of the most challenging health issues facing rural communities on a worldwide basis. A weakening of patent protections on intellectual property would profoundly affect the health of rural patients fighting the spread infectious diseases in both developing and developed countries. A weakening of patent protection on intellectual property would have the potential for significantly decreasing the pipeline for essential drugs needed for infectious diseases, such as HIV/AIDS, malaria, and tuberculosis which are disproportionately found in rural areas.

Science has made great progress in controlling or even eliminating many infectious diseases. However, we remain vulnerable to newly recognized and resurgent organisms that can quickly take hold in remote rural communities especially in tropical areas. While antibiotics and other antimicrobials have played an important role in the fight against infectious diseases, some microorganisms have developed resistance to the drugs used against them. For example, the malaria parasite begins to develop drug resistance within six months of the introduction of new therapy. With globalization, drug resistance knows no international boundaries and poses a risk to every country, including the most developed countries. Strong intellectual property laws ensure reliable standards of quality, efficacy, and safety for the medicines needed to combat these

threats. Therefore, it is vital that the drug pipeline not be stymied in any way that would delay the development of new therapies to address the health problems found in rural communities across the world..

The National Grange believes that the progression of the United States from a developing, predominantly rural nation to a developed nation with a significant rural population over the past 140 years offers a compelling case study in the value and efficacy of appropriate intellectual property protections in fostering successful delivery of medicines and other health care services to remote and rural communities. The National Grange believes that this model should be incorporated into the final recommendations for the plan of action by the World Health Organization Intergovernmental Working Group on Public Health, Innovation and Intellectual Property to address medical conditions affecting developing countries. We believe that the direction of the current draft, which would move sharply away from the current, successful model of private sector driven pharmacological innovation coupled with public/private partnerships for distribution of these pharmacologically innovative products in individual nations will be highly detrimental to the public health interests of billions of the world's rural citizens in both developed and developing nations. Our experience leads us to believe that reliance on, or support for, compulsory licensing regimes will fail as a primary strategy for cost effective and timely distribution of innovative medical technologies to those who need it most and who can least afford them in rural communities. The National Grange believes that future innovative pharmaceutical medical technologies, generated under the cooperative effort of private industry, academia and government supported research and working in the free market environment under the protection of intellectual property rights regimes that provide for a return on investment of time, labor, research and education needed to produce new medicines are critically necessary if rural areas in the developed and developing world will be prosperous, healthy and vibrant communities in the 21st Century.

Sincerely,

Leroy Watson

Leroy Watson, Legislative Director
National Grange of the Order of Patrons of Husbandry