

The Shifting Winds: What Future for Sustainable Treatment?

Regional Consultation and Planning Workshop
Use of TRIPS Flexibilities to Access Affordable ARVs in Asia

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Tenu Avafia
HIV/AIDS Practice, UNDP



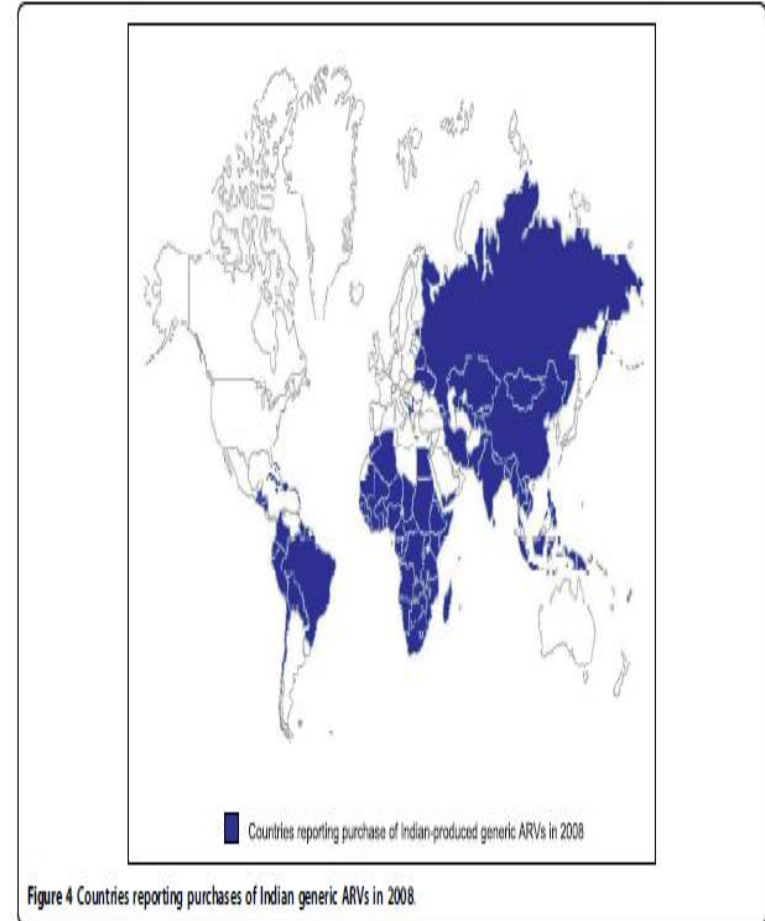
Developments at GFATM

- GFATM has disbursed 22.6 billion USD since 2002 in 1000 programs in 150 countries
- Saved an estimated 7.5 million lives
- 3.3 million on HIV treatment, anti-tuberculosis treatment for 8.6 million, 230 million insecticide treated malaria nets
- As result of global economic downturn, decreased funding for round 11
- Replaced with Transitional funding mechanism
- GFATM 2012-2016 funding strategy excludes UMICs except those with extreme disease burdens e.g. South Africa
- Countries immediately affected include: Argentina, Brazil, China, Mexico, and the Russian Federation
- Several countries will see reduced funding including Asia

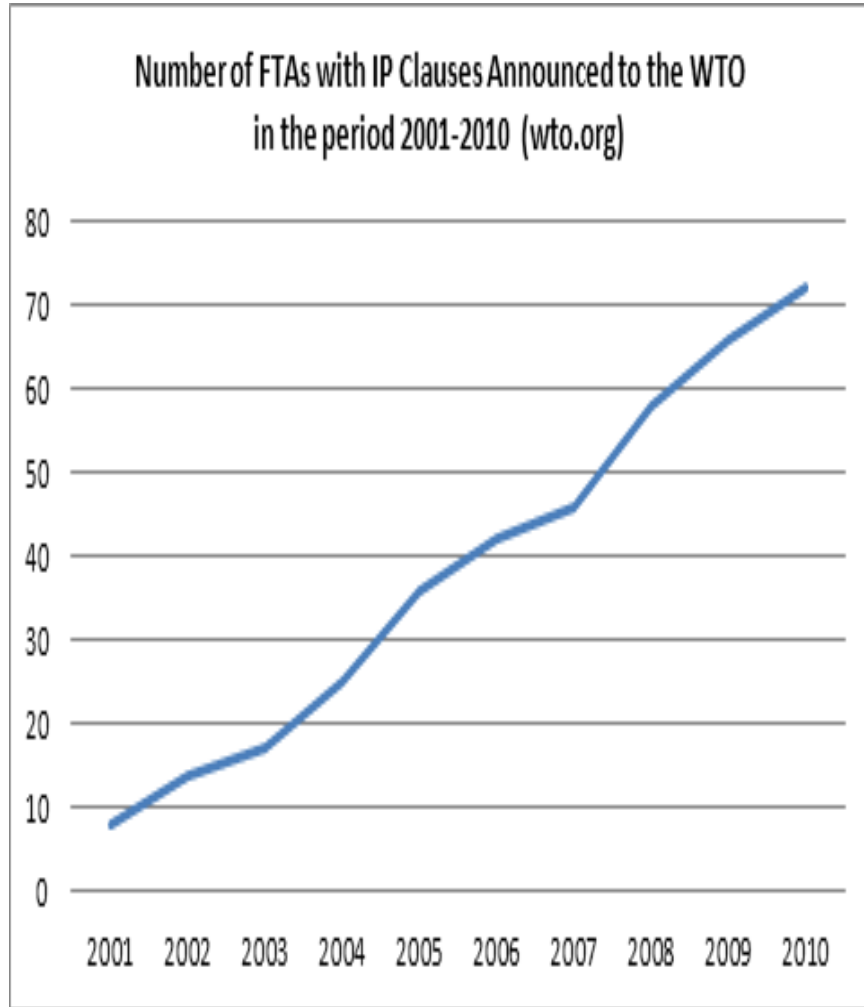


India's patent Act and impact on treatment

- A survey of 100 countries found 96 import medicines from India
- Patents on new medicines will affect ability of generic manufacturers to produce future ARVs and medicines to treat NCDs
- Exporting countries like India will need to maximise use of TRIPS Flexibilities
- Importing countries will need to take full advantage of safeguards and flexibilities
- Especially important given eventual shift to 2nd & 3rd generation ARVs



The Proliferation of FTAs



- Failure of WTO Cancun Ministerial bilateral trade agreements proliferated
- US has concluded and signed FTAs with 17 countries, some bilateral, others regional
- EU has concluded or is negotiating FTAs with MERCOSUR, Andean countries, CAFTA, India, Korea, ASEAN and several others
- Most FTAs involving US, EU & EFTA have TRIPS Plus IP chapters
- A model shows US CAFTA FTA resulting in 40% increase a year
- Data exclusivity resulted in 2 generic versions of LPV/r being de-registered in a certain country recently



TRIPS Plus through WTO Accession

- Article 65 TRIPS: developed country WTO Members had one year transition period to comply with TRIPS
- Upon joining WTO, developing countries and economies in transition have five-year transition to start applying TRIPS
- LDCs do not have to comply with TRIPS until mid-2013, no pharmaceutical patents till January 2016
- In practice, this is not the case anymore
- Countries currently joining WTO are often asked to agree to TRIPS plus commitments as condition e.g. China, Ukraine
- Provisions include patent term extensions and data exclusivity

