

# UNITAID

*Increasing access to  
quality medicines and diagnostics for HIV/AIDS, TB  
and Malaria*

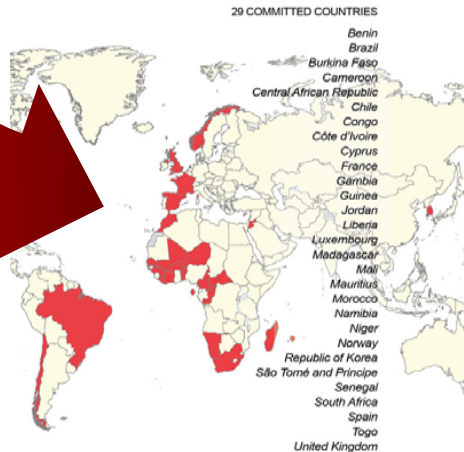
## **The Patent Pool Initiative**

Annual AMDS Partners & Stakeholders Meeting, Geneva, 2-3 April 2009

**2006:** Founding

countries :

Brazil, Chile, France,  
Norway, UK



**2009:** Supported by 29 countries  
and the Gates foundation

# UNITAID's Mission

Is to contribute to scale up access to treatment for HIV/AIDS, malaria and tuberculosis for the people in developing countries by leveraging price reductions of quality drugs and diagnostics, which currently are unaffordable for most developing countries, and to accelerate the pace at which they are made available.

To fulfill its mission, UNITAID will use sustainable, predictable and additional funding to help generate a steady demand for drugs and diagnostics, thereby significantly impacting market dynamics to reduce prices and increase availability and supply. UNITAID will base its price reduction strategy on market competition.

Where intellectual property barriers hamper competition and price reductions, it will support the use by countries of compulsory licensing or other flexibilities under the framework of the Doha declaration on the Trade-Related Aspects on Intellectual Property Rights (TRIPS) Agreement and Public Health, when applicable.

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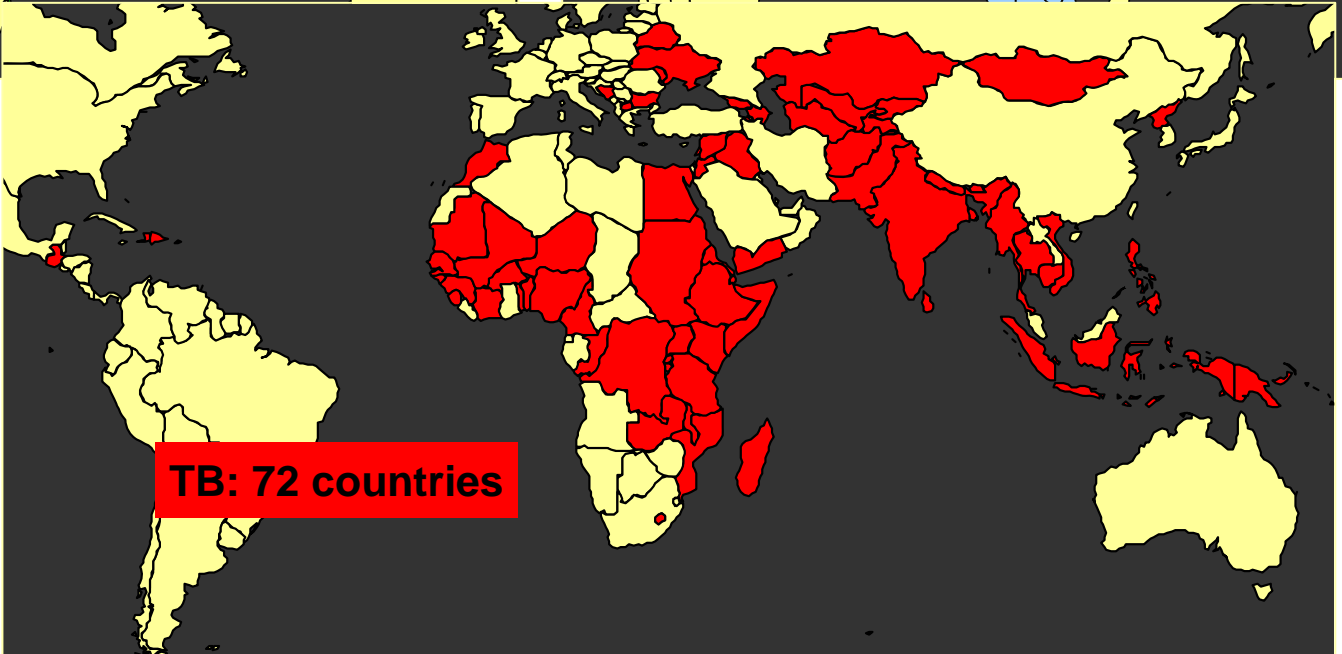
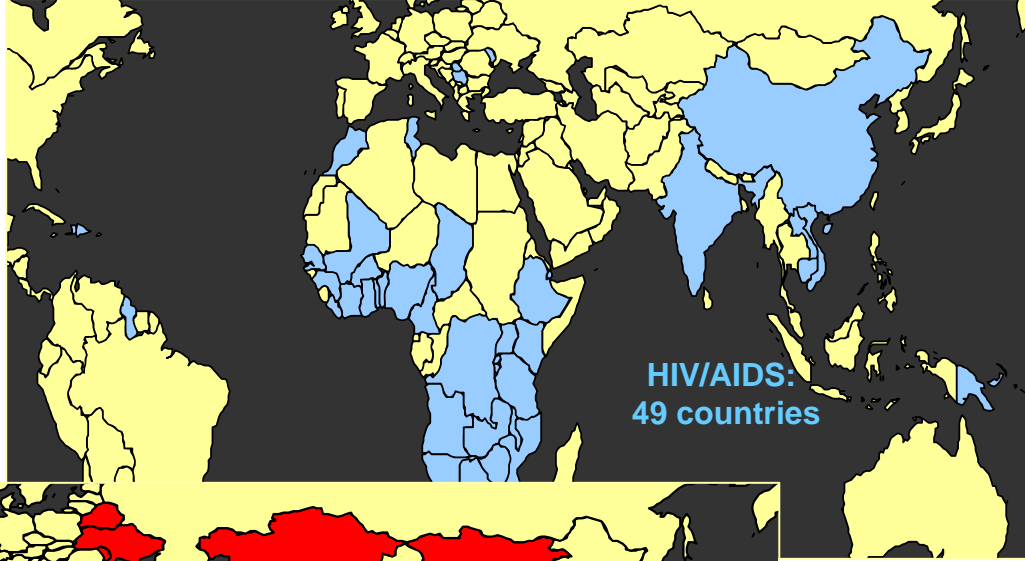
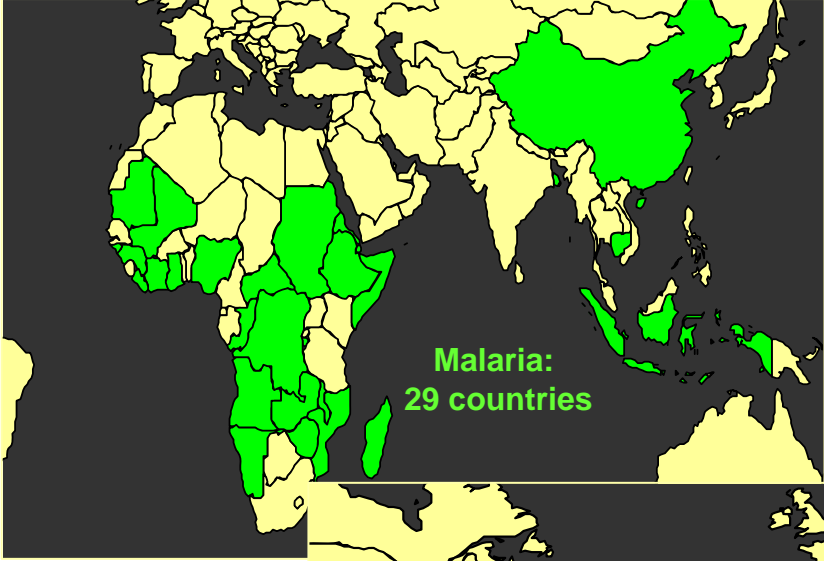
Any other innovative solution that may overcome limitations to market diversification in developing countries will also be pursued.

# A flexible 'air ticket solidarity tax'

<b>Chile</b> - Fixed rate on international flight		US\$ 2
<b>France</b> - Progressive mechanism		
	Domestic or European flight	International flight
Economy Class	€ 1	€ 4
Business & First Class	€ 10	€ 40
<b>Niger</b> - Progressive mechanism		
	Domestic or West African country flight	International flight
Economy Class	US\$ 1.20	US\$ 4.70
Business & First Class	US\$ 6.00	US\$ 24.00
<b>Norway</b> - CO2 Emission tax		



An aircraft with 300 passengers on board leaving from Paris will cover the treatment for 1 person with multi drug resistant tuberculosis (approx. US \$ 4.000) or 60 HIV-positive children for one year



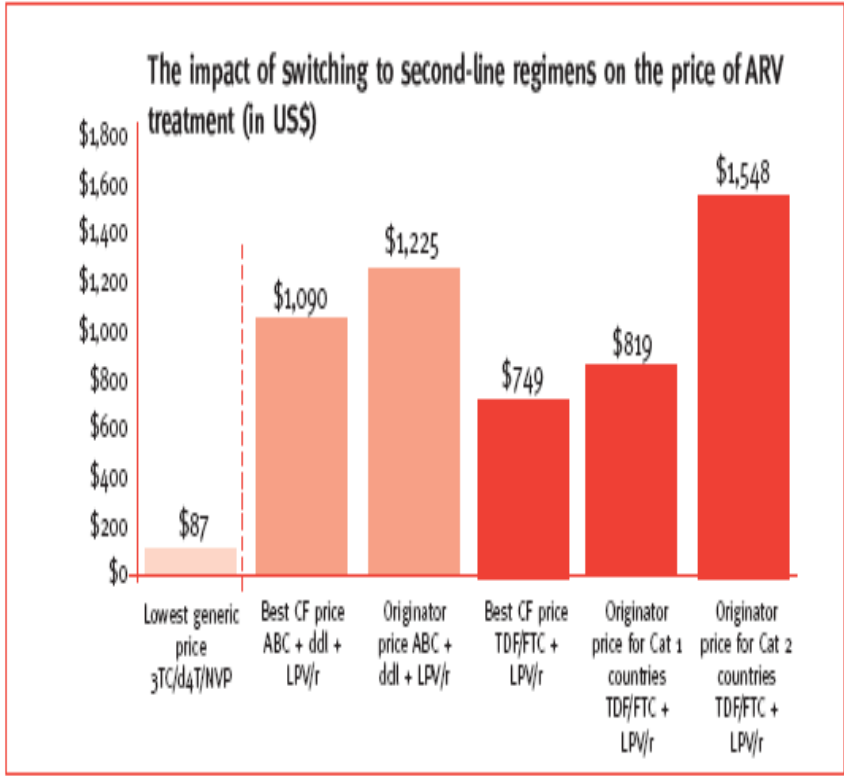
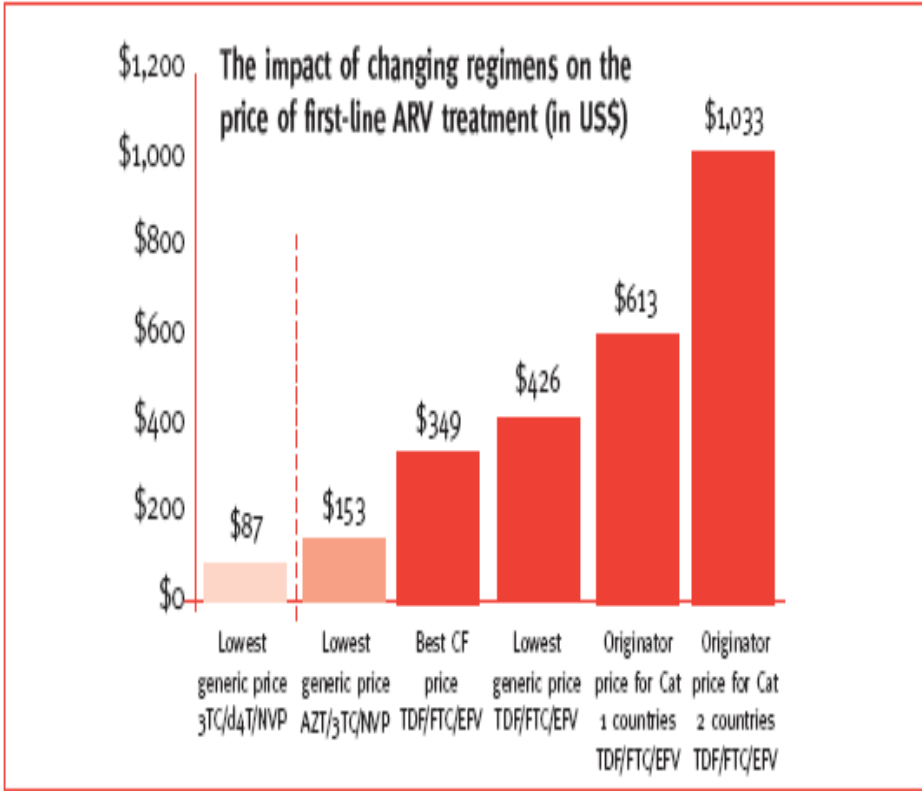
# Medicines Patent Pool

- 2006 MSF and KEI proposed to UNITAID to set up a medicines patent pool.
- May 2008 WHO Global Strategy and Plan of Action Public Health, Innovation and Intellectual Property recognised the role of patent pools to increase access to medicines
- July 2008 UNITAID EB decided in principle to establish a voluntary medicines patent pool

# What is a Patent Pool?

- A Patent Pool is a portfolio of assets consisting of the entire set of patents and other relevant IP held by various actors (companies, universities, government institutions) related to a particular technology that are made available on a non-exclusive basis to third parties, (e.g. generic manufacturers) against the payment of royalties.

# New ARVs More Costly



# WHO recommended improved 1<sup>st</sup> line ARV Higher price/multiple IP owners

- New WHO recommended 1<sup>st</sup> line regimen:
  - TDF/ 3TC or FTC/ EFV or NVP
  - 4 to 11 fold increase in price compared to 3TC/d4T/NVP
  - TDF and FTC – Gilead
  - 3TC – GSK
  - EFV – Merck
  - NVP – BI
  - TDF/FTC/EFV – Gilead/BMS joint patent application

# Scope of the Medicines Patent Pool

- Existing ARVs
  - Decrease price of newer 1st line ARVs by increasing the number of generic producers
  - Decrease price of 2nd line ARVs
- 'Missing Essential ARVs'
  - Encourage the development of FDCs containing 'newer' ARVs for both 1st line and 2nd line by overcoming the patent barrier.
  - Encourage the development of paediatric formulations for both 1st line and 2nd line.

# Patent Pool Process

- The 'standard' : Missing Essential ARVs
  - In collaboration with WHO HIV and Essential Medicines Department
- Identify the relevant patents
- Call for patents
- Start of negotiations with patent owners
- Establishment of the licensing agency (The 'Pool')
- Day to day operation of the Pool

# A Successful Pool will:

- Accelerate the availability of generic versions of new ARVs
- Enable the development of FDCs of which the patents are held by different entities
- Enable the development of adapted formulations for children
- May provide a model for the future...

# President Obama on humanitarian licensing

- **Increase Access to Affordable Drugs:** Barack Obama and Joe Biden believe that people in developing countries living with HIV/AIDS should have access to safe, affordable generic drugs to treat HIV/AIDS. They will break the stranglehold that a few big drug and insurance companies have on these life-saving drugs. They support the rights of sovereign nations to access quality-assured, low-cost generic medication to meet their pressing public health needs under the WTO's Declaration on Trade Related Aspects of Intellectual Property Rights (TRIPS). Barack Obama and Joe Biden also support the adoption of humanitarian licensing policies that ensure medications developed with U.S. taxpayer dollars are available off-patent in developing countries.



UNIS POUR SOIGNER JUNTO PARA CURAR TOGETHER TO HEAL

une autre **idée**  
de la mondialisation

uma outra forma de  
globalização

another kind of  
**globalization**

**Thank You!**

**UNITAID**