March 19, 2007

Submission of the Islamic Republic of Iran on the working documents of the IGWG in Public Health, Innovation and Intellectual Property

General comments

IR Iran refers to the following topics and suggests them to be addressed at every stage of the process wherever possible and applicable:

1- Public health should be put first when it comes to choosing between public health and intellectual property rights (IPRs) and encourage international bodies such as the WTO and intellectual property organizations to take more responsibility towards public health in a global context. This action is further explained in the context of Social Responsibility of pharmaceutical industries and developed countries.

2- Level of contribution of scientists with backgrounds from developing countries in contemporary setting of many R&D groups in developed countries should seriously be considered. The phenomenon of “Brain Drain” is a reality and should not only be addressed as a disadvantage for developing countries. Therefore, in the current setting of R&D groups in pharmaceutical industries and in developed countries employing scientists from developing countries due to brain drain and/or working scholars resulting to development of innovative health technologies, the intellectual property rights of developing countries should be taken in account. This means that the current achievements in innovative new health related products are to be shared between developed and developing countries.

3- It is important that the existing R&D groups in developing countries be recognized and supported protecting their intellectual property rights, likewise, and appreciate their traditional, financial and human resources.

3- We recommend that developing countries are provided with practical models for improving R&D infrastructure and supported to develop and implement innovation systems including patenting of innovative new health related products to appreciate and protect IPRs of innovators in these countries.

4- A new fund is suggested to be established with contribution of the governments in both developed and developing countries under supervision of an international body to order and support R&D projects on type II and III diseases which mainly affecting developing countries. This could be achieved by making modifications in the “prize fund model” suggested or established as a new fund. This could be further discussed in the upcoming meetings.
5- It is expected from pharmaceutical industries and developed countries to respect local regulation, legislation and the official drug lists in developing countries.

Considering the above mentioned issues, the specific comments and modifications on the working documents are suggested as follows:

**Elements of the "plan of action"

- **Prioritizing research and developments needs**
  
  Bullet (e) is rephrased as follows:

  “Free access to compound libraries for identification of potential compounds”

  Add the following bullet point under this item:

  (f) Support and give technical advice to developing countries to create new compound libraries both in national and regional levels for identification of potential compounds

- **Promoting research and development**

  Bullet (f) is rephrased as follows:

  “promote and recognize early-stage drug research and development in developing countries (including………….) and appreciate, protect and respect intellectual property right of innovators based in these countries”

  or add the following point:

  (k) Develop, implement and recognize innovation systems (including patenting) in developing countries; respect and protect their intellectual property rights on their innovations based on their intellectual, financial and traditional resources

- **Building and improving innovative capacity**

  Bullet (c) is rephrased as follows:

  “Strengthen human resources in research and development through appropriate training, recognizing of R&D groups, respect and protect IPRs of innovator in developing countries”

  or add this bullet point:

  (g) Recognize existing R& D groups and support formation of new ones by giving technical advice and providing appropriate models.

Under bullet (e) add in continuation

“…………….with appreciation and protection of intellectual property rights of innovators in developing countries”

Under bullet (f)
“Recognize, develop and promote traditional medicines”
more elaboration is needed in the way of utilizing traditional medicines in the context of modern R&D activities.
It is suggested this item is rephrased as follows:

“Recognize, promote and develop mechanism for documentation of traditional knowledge and natural genetics resources with appreciation and protection of IPRs of innovators in developing countries”

➤ **Transfer of technology**
Bullet (c) is rephrased as follows:
“Encourage and practically support developing countries in joining and forming local and regional networks collaborating on R&D in health related technology and innovative products”

Bullet (f) is rephrased as follows:
“Promote transfer of technology and under license production for innovative products/medicines in developing countries through action by developed countries and pharmaceutical industries”

➤ **Management of intellectual property**
Add the following point:

(j) Promote, develop and implement innovation systems in developing countries

➤ **Improving delivery and access**
With respect to this item, the following comments are made:

Bullet (a) is rephrased as follows:
“Support developing countries in regulating drug promotion for introduction of innovative new products by developed countries and pharmaceutical industries”

Bullet (b) is rephrased as follows:
“Accelerate regulatory approval of products with evidence proven and safe utility”

Bullet (c) is rephrased as follows:
“Conduct operational studies with contribution of professional bodies and the governments in developing countries to maximize………………”

Bullet (l) is rephrased as follows:
“Continue to consider price of treatment for communicable diseases, particularly of orphan drugs as well as second-line drugs for HIV/AIDS”

The following bullet point is added as one of the ways to curb counterfeiting medicines addressed in item (h):
(o) Pharmaceutical industries to respect local regulation, legislation and the official drug lists in developing countries’

- **Ensuring sustainable financing mechanisms**
  A new fund is suggested to be established with contribution of governments in both developed and developing countries under supervision of an international body to order and support R&D projects on type II and III diseases which mainly affecting developing countries. This could be achieved by making modifications in the “prize fund model” suggested or established as a new fund which be further discussed.

With respect to the "elements of global strategy", IR Iran strongly supports the comments and contributions made by member states from EMRO, SEAR and EU, especially invaluable issues suggested by India. We believe and suggest more time and attempts is allocated to develop a comprehensive strategy with contribution of other member states during the upcoming meetings.