1. The Ministry of Health Malaysia is of the view that the global strategy and the plan of action drawn up by the IGWG in response to the World Health Assembly (WHA) resolution 59.24, will be of significance in the drive towards developing research and development mechanism relevant to diseases that disproportionately affect developing countries.

2. The Ministry notes that the management of intellectual property has been identified as one of the plan of action by the IGWG. The thrust of this however must be a reevaluation of the current system with emphasis on ensuring that public health needs are not adversely affected by strong intellectual property rights (IPR) requirements. Areas of action already identified such as (i) enacting legislation for application of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) flexibilities; and (ii) focus on TRIPs plus provisions in bilateral trade agreements such as data exclusivity and patent linkage must be sufficiently explored to enable developing countries to have equitable access to health and treatment. The pertinent question for Malaysia is whether the current IPR regime hampers accessibility and affordability of pharmaceutical products.

3. The Report of the Commission on Intellectual Property Rights, Innovation and Public Health (CIPIH) pointed out that there is no evidence that the increased level of IPR protection in developing countries will result in increased R&D in pharmaceuticals on Type II and Type III diseases. As such, the Ministry is also of the view that the global strategy and plan of action must address sufficiently the issue of providing an alternative to the current system that relies on implementation of strong intellectual property rights as a reward for innovation of pharmaceutical products.