Submission by SEAR Member States to the Intergovernmental Working Group on Public Health, Innovation, and Intellectual Property Rights

Introduction

The Second Regional Consultation on Public Health, Innovation and Intellectual Property was held on 5th March 2007 at WHO SEARO, with the objectives to review the output of the 1st Intergovernmental Working Group (IGWG) meeting (4-8 December 2006), and to come up with a regional submission from SEAR for consideration by IGWG.

In this connection, the regional consultation had scrutinized the national submissions by Bangladesh and Thailand. It felt that these submissions are comprehensive and constructive to boost the R&D. Various important issues were captured and recommendations made.

The regional consultation supports the content provided in these two submissions. Member States believe that the timeline as stipulated by WHA 59.24 for IGWG to submit its plan of action by May 2008 is attainable. The regional consultation had reviewed the Document, A/PHI/IGWG1/5 and reached a consensus on the following regional submission.

SEA Regional Submission to IGWG

Note: Based on IGWG1/5 we add some sub-paragraphs and amend some existing sub-paragraphs

2. Prioritizing R&D needs:
   - To add one item (f) To give priority on R&D needs for traditional medicines in developing countries
   - The prioritization of R&D needs should take into account regional specificity of neglected diseases

3. Promoting R&D
   - (b) increase the role of governments in promoting cooperation between private and public sectors on R&D

4. Building and improving innovative capacity
   - (b) Intensify equal North-South, South-South as well as LDC-LDC partnership and networks to support capacity building including in basic, preclinical, pharmaceutical development, clinical and public health researches
   - (c) Strengthen human resources in R&D through adequate financing of long-term human resource plan of production, appropriate training, retention, and address issues relating to the migration of researchers and health professionals.
5. Transfer of technology

- (e) promote patent pools (an agreement between two or more patent owners to license one or more of their patents to one another or third parties. However patent pool can be a voluntary or imposed by governments) of upstream and downstream technologies or other mechanisms to promote innovation.
- (f) promote transfer of technology and production of health products in developing countries through investment and capacity building by developed countries and pharmaceutical companies

6. Management of intellectual Property

- (b) Establish or work within national and/or regional institutional frameworks to build up capacity and manage intellectual property with a public health orientation.
- (c) explore and implement alternative incentive schemes for R&D, such as the Prize Fund model, Global R&D Treaty, and scaling up of the existing public private partnership and advance market commitment
- (add new sub-paragraph) ensure “sensible” patenting and licensing strategies in order to prevent overly broad genetic patents
- (Add new sub-paragraph) to compile good practice and lessons on the implementation of TRIPS flexibilities by WHO and provide guidance to member states.
- (add new sub-paragraph) to synthesize practical and operational interpretation of “inventive steps” in order to empower member states and to prevent non-compliance to TRIPS agreement, especially the “ever greening patent”
- (add new sub-paragraph) WHO and member states to encourage the role of NGO to keep vigilance on non-compliance to TRIPS, especially in the case of patent application for me-too medicines, in order to timely introduce pre-grant opposition as well as to publicize the violations to global audiences

7. Improving delivery and access

- (h) devise ways to curb the production and distribution of counterfeiting and sub-standard medicine and technologies
- (add new sub-paragraph) In view of 2016 when LDC WTO members have to comply with WTO and TRIPS agreement, there is a need to develop effective and sustainable mechanism to increase access to existing medicines.

8. Ensuring sustainable financing mechanisms

- Agreed
9. Establishing monitoring and reporting systems

- Agreed

Experts

The regional consultation strongly supports the DG to select the experts take into account a balanced regional, gender and developing / developed country representation.