

IPAN issue brief - no. 6

issue: AIDS, developing countries and pharmaceuticals

the AIDS epidemic

The AIDS epidemic is a humanitarian crisis. Even an optimum response from governments and society world-wide will not prevent tremendous suffering and a high death toll, but it can help alleviate them. Such a response should include the provision of appropriate medicines and financial and educational support to develop basic healthcare infrastructure and to ensure that transmission of the disease is minimised.

rationale for patents on pharmaceuticals

Patents are granted to stimulate new, useful and non-obvious inventions, to ensure publication of such inventions, so promoting scientific advancement, and to enable the costs of invention and development to be recouped. Governments grant patents usually with a life of twenty years. But in some developed countries the life of pharmaceutical patents can be extended, to compensate for the length of time (usually ten years or more) it takes to prove new medicines are effective and safe.

Without the patent system pharmaceutical companies would not be able to undertake the very expensive and risky research and development, clinical evaluation and continual clinical monitoring which are all necessary for a successful medicine. A major part of the profits from the relatively few successes is ploughed back into further research to invent and bring to the market the next generation of medicines. Without patents the major source of new drugs would be cut off to the detriment of both developing and developed countries.

comment

It is appropriate that the pharmaceutical companies, which have developed and are continuing to develop medicines for AIDS, should co-operate with governments to help provide medicines to counter this epidemic. But such co-operation is a two way process and governments and citizens of developing and developed countries must also support the patent system and respect the patents granted for new medicines. A major issue is the need to stop medicines provided to developing countries at subsidised prices being resold in countries where the unsubsidised price is current. This will require support for appropriate legal provisions and action by governments to prevent breach of such laws.

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suggested links for further reading:

industry:

- joining forces for change: the pharmaceutical industry in the the fight against HIV/AIDS: [*International Federation of Pharmaceutical Manufacturers & Associations \(IFPMA\) paper \(2004\)*](#)

government:

- integrating intellectual property rights and development policy: [*UK Commission on Intellectual Property Rights: final report \(2002\)*](#)

NGOs:

- patents versus patients: five years after the Doha declaration: [*Oxfam \(nov 2006\)*](#)
- commentary on Oxfam report: [*IFPMA \(nov 2006\)*](#)