

Caribbean Latin America Action (CLAA)

Competitiveness of the Third Border in 2005 Balancing Public Health and IPR

Dr Rosanna Cooper, Managing Partner, RTCoopers

Telfords Yard

6/8 The Highway

London E1W 2BS

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Website: www.rtcoopers.com

[Email: r.cooper@rtcoopers.com](mailto:r.cooper@rtcoopers.com)

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**Challenges for
Pharmaceutical
Companies**

**Caribbean &
Latin American
Governments –
What can they do?**

**Barriers to
Medicine Access
/Diseases**

**Public Health
over
IPR Protection?**

OVERVIEW OF IPRs

REGISTERED RIGHTS

- **Patents** - inventions
- **Trade marks** - badge of business, logos, names, smells, sound
- **Registered designs** - “look” of product for industrial designs

QUASI-REGISTERED RIGHTS

- **Domain names**

UNREGISTERED RIGHTS

- **Know-how** - trade secrets
- **Copyright** - literary, including digital work, research notes, software
- **Design rights** - product shape and configuration
- **Brands** - goodwill and reputation

WHY IPR PROTECTION?

Pharma

- Protecting product formulations, processes, products, packaging, product names,
- Recouping costs and maintaining profitability
 - Monopoly rights
 - Safeguarding valuable assets
 - Brand maintenance and reputation.

Challenges Facing Pharma

- **Strong Patent Protection World-Wide**
- **Extending Patent Protection**
- **Costs - Patent Protection, R&D, New Drugs**
- **Compulsory Licensing**
- **Generic Manufacturers**
- **Lax Patent Laws**
- **Data Protection**
- **Counterfeiting**
- **Parallel Imports & infringement**

Barriers to Medicine Access/Diseases

- **Developing countries provide 10% Global Pharma market**
- **Investment in R&D in Developing Countries**
- **Tropical Diseases (HIV/AIDS, Malaria) - Pharma unable to recoup costs of R&D to treat diseases**
- **Distribution and Storage**
- **High Pricing – affordable?**
- **Patents – barrier to medicine access**
- **TRIPS – sufficient safeguard?**

Public Health Over IPR Protection

- Doha Declaration – primacy to public health over IPR protection
 - Implementation of TRIPS – effect of increased patent protection on drug prices
 - Costs of Drugs
- Unequal distribution of benefits from patent system
 - EU Poverty Reduction Program - to rebalance the priorities of TRIPS
 - Compulsory Licensing –EU Directive on
 - no manufacturing capacity

Public Health Over IPR Protection

- Lack of access to drugs
 - TRIPS – effect of increased patent protection on drug prices
 - Costs of Drugs
 - Serving social welfare needs
- Least Developed Countries (LDC's) extension until 2016 - pharmaceutical patent protection

Governments – What can they do?

- Fourth WTO Ministerial Conference (Doha Declaration 2001) Affirmed Measures by Governments to Protect Public Health
- Doha Declaration Broke New Ground – Guaranteed Members Access to Medical Products
- Develop Judicial System & require Technical Assistance to implement TRIPS
- IP Laws Territorial – New IP Regime?
Awareness?

Conclusion

✧ R&D has to continue in order for new drugs to be produced to combat diseases

Balance between Pharma costs and protecting health care

THANK YOU - [Dr Rosanna Cooper](#)

r.cooper@rtcoopers.com

Tel: + 44 (20) 7 488 2985

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