

[Ip-health] Two more releases attacking Brazil on the curent IP dispute

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I went to the press conference they had this morning. I'd never heard of the Institute for Trade, Standards, and Sustainable Development (ITSSD) before, but their president refers to the US pharmaceutical industry as "us."

Two press releases follow, the first is from ITSSD and the second is from a group called Defenders of Property Rights.

<http://biz.yahoo.com/prnews/050616/phth037a.html?.v=1>

ITSSD: Brazil Will Break International Law with Theft of U.S. Drug Patents -
White Paper Finds That Brazil Patent Seizure Threatens Global Trade and Public Health

Institute for Trade, Standards, and Sustainable Development
Press Release
Thursday June 16, 1:00 pm ET

WASHINGTON, June 16 /PRNewswire/ -- With a number of other non-profit groups, ITSSD is calling attention to Brazil's threat to break U.S. patents on American AIDS drugs used as part of Brazil's government-funded treatment program. After reviewing the initial official statements coming out of Brazil, ITSSD concluded that Brazil would be in violation of the Trade Related Aspects of Intellectual Property or TRIPS Treaty, if it pursues this course of action.

It is questionable if Brazil's government could invoke the "health emergency" clause of the Doha Declaration amendment to the TRIPS Treaty, allowing developing countries to temporarily suspend patents on products needed to alleviate a legitimate health crisis. Examples of such emergency often include response to an anthrax attack in the U.S. or a sudden outbreak of a treatable disease in Sub-Saharan Africa. Brazil's AIDS infection rate of 0.6% has parity with that of the United States at 0.5%. For comparison, the AIDS infection rate in Swaziland is 38.6% according to the impoverished African nation's Health Ministry.

Brazil is a major United States trade partner, with more than \$35 billion in trade occurring between the two nations each year. At the same time, Brazil is by far the worst abuser of intellectual property rights in the Americas. According to the USTR, piracy losses to American businesses add up to nearly \$1 billion in losses annually.

"Brazil is about to contravene a major trade agreement in a thinly veiled effort to bolster its national pharmaceutical industry," said Ambassador Slavi Pachovski, president of the Institute for Trade, Standards, and Sustainable Development. "If Brazil is allowed to move forward without penalty, it will send economic and trade repercussions throughout the world and puts the global efforts to fight the AIDS epidemic at risk. Brazil cannot be allowed to act in this way."

ITSSD's white paper identified Brazil as an emerging global power, with ambitions at a permanent UN Security Council seat and its domestic pharmaceutical industry primed to reap the benefits of years of research and hundreds of millions of dollars in American pharmaceutical research. Widespread coverage of Brazilian President Lula's recent visit to African nations has him discussing future AIDS drug trade programs - a capability the South American country does not yet have.

ITSSD's paper, co-authored by Pachovski and ITSSD's CEO, Lawrence Kogan concluded that Brazil's threatened patent theft will not only harm fundamental research but would also preclude Brazilian industry from cutting-edge innovations essential to bolstering the country's emerging markets.

Copies of the study can be found at: <http://www.itssd.org/>

The Institute for Trade, Standards, and Sustainable Development (ITSSD) is an international legal research foundation established to promote positive paradigm of sustainable development and protect free enterprise and international trade. Founded by former UN Ambassador Slavi Pachovski and ITSSD CEO Lawrence Kogan, the Institute examines international law as it relates to trade, industry and sustainable development around the world. For further information, please contact Lawrence Kogan at: (609) 951-2222 or info@itssd.org.

<http://biz.yahoo.com/prnews/050616/lath061.html?.v=14>

Defenders of Property Rights to USTR: Consider Sanctions if Brazil Moves Forward With Theft of U.S. Drug Patents

Thursday June 16, 1:19 pm ET

Calls on Ambassador Portman to Get Tough in Effort to Prevent Brazil's 'State-Sponsored Piracy'

WASHINGTON, June 16 /PRNewswire/ -- Defenders of Property Rights (DPR) today called on the Office of the United States Trade Representative to prevent Brazil's theft of U.S. drug patents and to consider sanctions against President Lula's government as an option during a joint press conference today at the National Press Club.

Joined by a number of free market and advocacy groups and in the wake of a unanimous vote by Brazil's lower house in favor of breaking U.S. patents on a variety of U.S.-manufactured drugs, DPR renewed requests to U.S. Trade Representative Rob Portman to take a hard line with Brazil when it comes to protecting American intellectual property rights. USTR estimates that total losses for American business is approaching \$1 billion annually.

In recent weeks, Brazil, one of America's largest trading partners, has loudly proclaimed that it intends to violate the patents of several AIDS medications manufactured in the U.S. President Lula of Brazil has stated that this move is needed because of a "health emergency" as defined under a wide ranging trade agreement known as the TRIPS Treaty.

"Brazil is set to break the patents on American drugs that have taken years of research and millions of dollars to develop," said Nancie Marzulla, president of Defenders of Property Rights. "This state-sponsored piracy must be stopped. If negotiations fail to convince Brazil to back down, the U.S. Trade Representative should consider sanctions as a serious possibility."

About Defenders of Property Rights

Defenders of Property Rights was founded in 1991 to counterbalance the governmental threat to private property as a result of a broad range of regulations. Defenders believes that society can achieve important social objectives such as protection of our environment and preservation of our national heritage without destroying private property rights or undermining free market principles. For further information, please

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