

CPTPP and Access to Medicines



COVID-19 VACCINE ACCESS IN ASIA WORKSHOP

Session 5: Vaccines and Intellectual Property Barriers

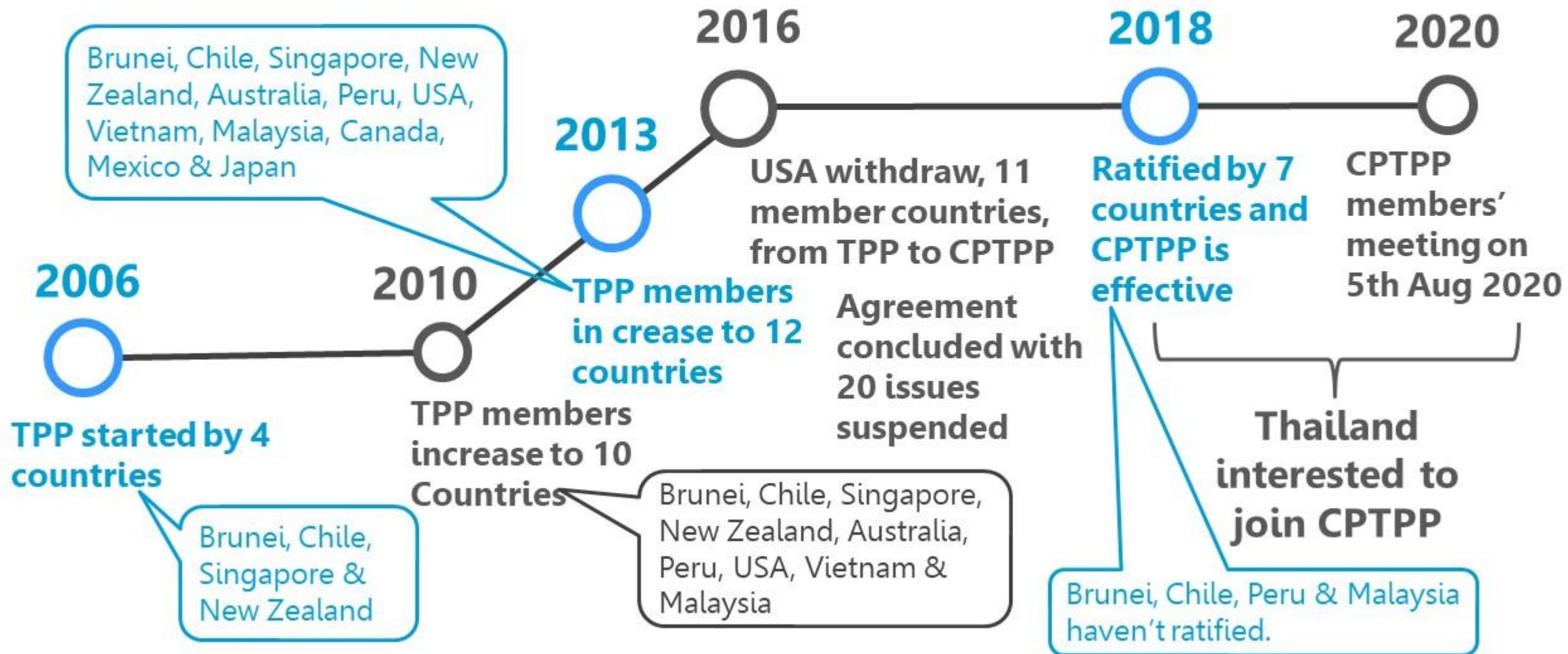
FTAs and C19 Vaccine Access

18 August 2021

make
medicines
affordable
END UNFAIR MONOPOLIES



Key Timelines: CPTPP





Compulsory License (CL)

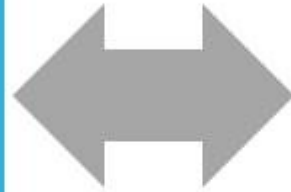
Being at risk to be sued by foreigner investors at arbitration

CPTPP & CL

IP Chapter

Art. 18.6 & 18.41: Allowed to use CL in accordance with TRIPs on the grounds of:

- national emergency
- other circumstances of extreme urgency
- public non-commercial use



Investment Chapter

Art. 9.8.5: Able to use CL if complied with CPTPP and TRIPs

BUT Annex 9-B 3 (b)

Non-discriminatory regulatory actions by a Party that are designed and applied to protect legitimate public welfare objectives, such as public health, safety and the environment, do not constitute indirect expropriations, except in rare circumstances.



Dispute Settlement Chapter – ISDS (Art. 28)

Patent Linkage



Extending monopolization

Blocking/Delaying generic drugs' competition

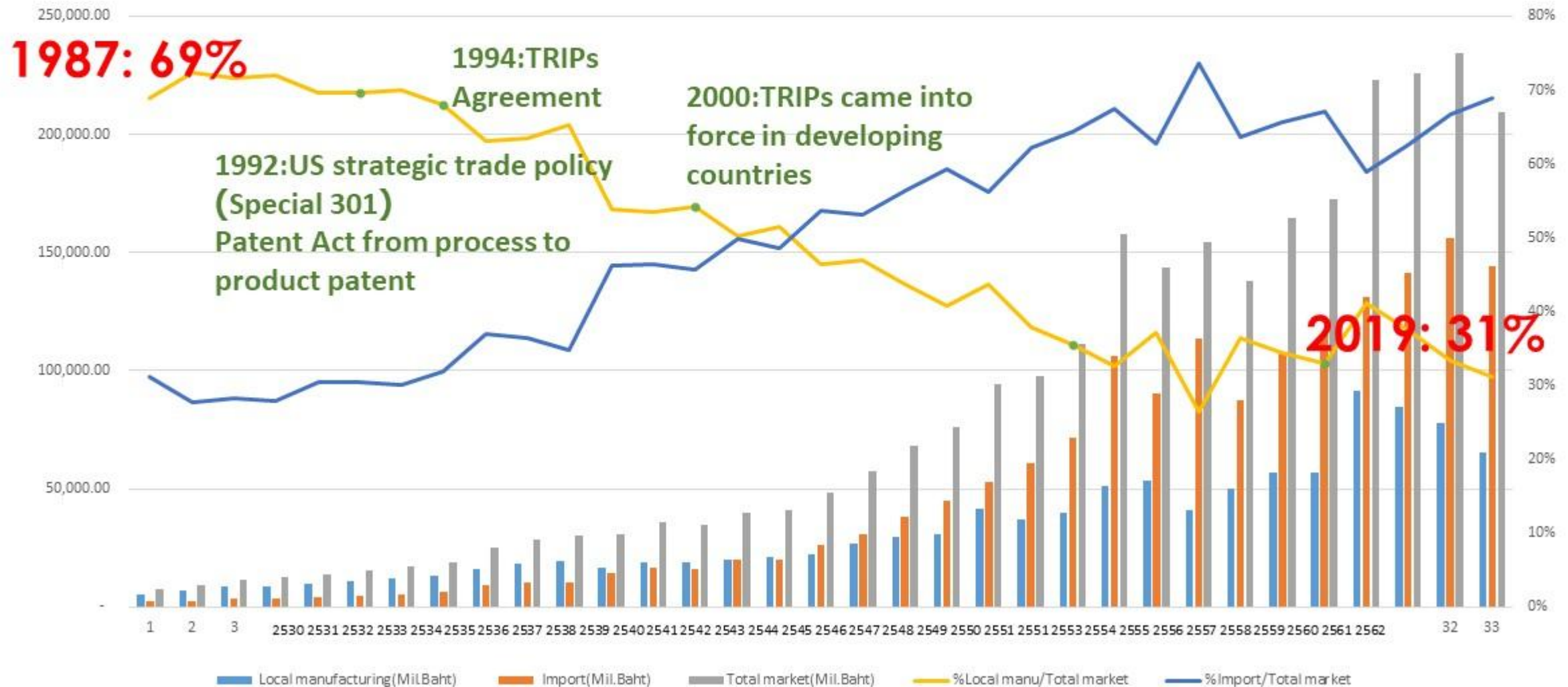
Manipulating national resources to Big Pharma's Interests

Patent Linkage

	Drug Registration	Patent
Responsible Agency	Food & Drug Administration Ministry of Public Health	Intellectual Property Dept. Ministry of Commerce
Consideration	<ul style="list-style-type: none">• Safety• Efficacy	<ul style="list-style-type: none">• Novelty• Innovative step• Capable of industrial application
Result	Able to market legally	Able to monopolize legally
Objective	Protect consumers	Protect business's interests
Requirement	Mandatory	Voluntary



Local manufacturing and Import of pharmaceutical product 1987-2019 (FDA)





Impact of CPTPP's IPR & GP Chapters to Access To Medicines in the next 30 years

	2019	2049
Annual Pharmaceutical Expenditure (of GDP)	1.2%	3% - 4%
Pharmaceutical Import Dependency	76%	89%

In addition.....

- National medicine expenditure will increase by **over US\$13 billion**
- Local pharmaceutical market value will reduce by **over USD 3.3 billion**
- GPO's market value will reduce by **over USD 400 million**

“Suspended”

doesn't mean

“REVOKED”

**20 suspended issues
may be put back on
the table!!!**

1) Broader patentability
criteria

- New indication & New
Method of use

2) Data exclusivity

3) Patent-term extension



The image features a large white iceberg floating in a blue sea. The top of the iceberg is above the water line, while the vast majority of its mass is submerged. A red cargo ship is visible on the left side of the water. The sky is light blue with a sun and clouds. The text 'COVID-19' is written in red on the visible part of the iceberg. Below the water line, the text '34 million die from HIV', '1.4 million die from TB', and '399,000 die from HCV' is written in red. At the bottom of the image, the text 'Intellectual Property' is written in red. The background of the right side of the image is white with faint, repeating icons of various medical supplies like pills, bottles, and syringes.

COVID-19

34 million die from HIV

1.4 million die from TB

399,000 die from HCV

Intellectual Property

Iceberg of Inequality Medicines



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