



How the TPP Endangers Access to Medicines

The Trans-Pacific Partnership (TPP) is a proposed free trade agreement under negotiation between Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam (Canada and Mexico have recently joined). The United States has ambitions to eventually apply the terms of the proposed TPP to the entire Asia-Pacific region--roughly half the world's population.

The negotiating parties to the TPP pledged that it will represent a "high-standard, 21st century agreement." The U.S. Trade Representative (USTR) has proposed measures harmful to access to medicines that have not been seen before in U.S. trade agreements. These proposals would transform countries' laws on patents and medical test data, and include attacks on government medicine formularies. USTR's demands would strengthen, lengthen and broaden pharmaceutical monopolies.

USTR's proposals could undermine U.S. objectives in the President's Emergency Plan for AIDS Relief (PEPFAR) for Vietnam and constrain potential and emerging generics suppliers in TPP countries. Applied regionally, the TPP would limit the economies of scale necessary to keep generic medicine prices low. These risks combined make the TPP especially dangerous for generic competition and access to medicines in the Asia-Pacific region.

Leaked texts have revealed that the U.S. proposal would:

- **Expand the scope of pharmaceutical patents and create new drug monopolies** by lowering patentability standards and requiring patents be available for surgical and treatment methods as well as minor variations on old medicines -- even if they do not enhance efficacy.
- **Lengthen drug monopolies** by requiring countries to extend patent terms if review at the patent office or regulatory authority exceeds a prescribed period.
- **Eliminate safeguards against patent abuse**, including among others, the right of third parties to challenge patent applications (pre-grant opposition).
- **Risk facilitating patent abuse** by requiring countries to condition marketing approval on patent status (patent linkage). Under patent linkage, even spurious patents may function as barriers to generic drug registration.
- **Extend commercial control over regulatory information (expand "data exclusivity")** by providing at least five years exclusivity for information related to new products and three more in cases of new uses for old medicines -- even when that information is in the public domain.

Public Citizen's Global Access to Medicines Program

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