

The WHO IGWG negotiations

James Love

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WHO IGWG

- CIPIH created in 2003
 - Negotiations are difficult, deadlines extended, members cannot agree on most controversial issues
- Fall 2005, Kenya proposal
- Spring 2006, CIPIH report published
- May 2006, WHA calls for creation of Intergovernmental Committee (IGWG) on Public Health, Innovation and Intellectual Property. (WHA59.24).



WHA59.24

Public health, innovation, essential health research and intellectual property rights: towards a global strategy and plan of action

27 May 2006



3. DECIDES:

(1) to establish, in accordance with Rule 42 of the Rules of Procedure of the World Health Assembly, an intergovernmental working group open to all interested Member States to draw up a global strategy and plan of action in order to provide a medium-term framework based on the recommendations of the Commission. Such a strategy and plan of action aims at, inter alia, securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries, proposing clear objectives and priorities for research and development, and estimating funding needs in this area;

1 Where applicable, also regional economic integration organizations.



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(2) to provide as appropriate, upon request, in collaboration with other competent international organizations, technical and policy support to countries that intend to make use of the flexibilities contained in the agreement on Trade-Related Aspects of Intellectual Property Rights and other international agreements in order to promote access to pharmaceutical products,¹ and to implement the Doha Ministerial Declaration on the TRIPS Agreement and Public Health and other WTO instruments;



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(4) to encourage the development of proposals for health-needs driven research and development for discussion at the Intergovernmental Working Group that includes a range of incentive mechanisms including **also addressing the linkage of the cost of research and development and the price of medicines**, vaccines, diagnostic kits and other health-care products and a method for tailoring the optimal mix of incentives to a particular condition or product, with the objective of addressing diseases that disproportionately affect developing countries;



Negotiations

- 1st meeting of IGWG in December 2006
- Proposal for Global plan of action by May 2008
 - Draft plan in July, 2007
 - IGWG meeting November 2007
- Initial country proposals include patent pools, and novel methods of stimulating R&D, including **prizes**, patent buy-outs, Advanced marketing commitments (AMC).
- Proposal by some countries for 1 year extension of negotiations



Realistic goal for IGWG proposals

- Soft norms or voluntary fund for R&D on Type II and III diseases
- Patent pool for licensing of patents on essential medical technologies
- Possible agreement to introduce prize mechanisms for Type II and III diseases



More ambitious goals for IGWG proposals

- Movement away from strong IPR as basis for trade framework.
- New framework would focus on support for innovation
- Role of developing countries would be to meet global obligations to support R&D, through grants, prizes, etc.
- Prices for products could be low, so long as countries meet other R&D obligations



Patent pool

- Scaling up management of patents
- Issues:
 - Specific to particular diseases and conditions, or to regions?
 - Run by NGO or by UN Agency?
 - How voluntary?
 - Incentives to license to pool?
 - Link to prizes?



Prize idea

- Many design issues
- Local, regional or multilateral funding?
- Donor or domestic focus?

