

July 11, 2013

The Honourable Ed Fast
Minister of International Trade
and Minister for the Asia-Pacific Gateway
Room 105, East Block
Ottawa, ON
K1A 0A6



Dear Minister Fast:

Re: Trans-Pacific Partnership (TPP) Agreement and safeguarding access to medicines

We, the undersigned civil society organizations, write to you in order to express our deep concern with some of the provisions proposed for the *intellectual property*, *pharmaceutical pricing* and *investment* chapters of the Trans-Pacific Partnership agreement (TPP). **We are concerned that the measures currently being considered could lead to an agreement that would hamper the ability of millions of people worldwide, including Canadians, to receive necessary medications at prices that they can afford.** Furthermore, the disconcerting secrecy of the TPP negotiations have prevented any semblance of an open and fair process. TPP negotiations threaten to put in place provisions that would go far beyond existing agreements, including the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS), and further limit the flexibilities stated therein. *Please find enclosed a memorandum outlining in more detail our key concerns with the TPP.*

Including “TRIPS-plus” provisions in the TPP would set back commitments Canada has already made to promote global health and also undermine access to medicines for Canadians and developing countries included in the TPP.

In addition to the question of transparency we have a number of concerns with the *intellectual property*, *pharmaceutical pricing* and *investment* provisions under negotiation. We ask that:

- The TPP should not undermine public health flexibilities included in the TRIPS agreement by adopting even more stringent strengthening intellectual property measures (e.g., patent term extension or data exclusivity rules).
- The TPP should not further undermine Canada's ability to export lower-cost, generic medicines to eligible developing countries under the already complicated mechanism known as Canada's Access to Medicines Regime (CAMR).
- The TPP should not include similar provisions to the ones incorporated in the stalled Anti-Counterfeiting Trade Agreement (ACTA), which would potentially thwart access to medicines by introducing new rules on damages and injunctions, and limit the free international transit and supply of affordable generic medicines.
- The TPP should not impose procedural or substantive restrictions on the ability of government agencies to protect the public interest by regulating pharmaceutical prices and reimbursement programs and by regulating drug companies' marketing practices.

- The TPP should not include intellectual property in the definition of investment, as this would enable pharmaceutical companies to impede regulation of the pharmaceutical sector in the public interest. In fact, given Canada's experience under NAFTA, the TPP should contain no investment chapter at all.

Instead, the TPP should provide an opportunity for Canada to demonstrate further its international leadership in global health. Canada should ensure that the TPP is written in such a way that it is in accordance with WTO Members' *Doha Declaration on the TRIPS Agreement and Public Health* and the World Health Organization's *Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property*. Canada must honour its repeated commitments to global health, including access to medicines.

As so much is at stake, for Canadians and for developing countries, we would like to request a meeting with you at your earliest convenience to discuss Canada's role and access to medicines positions as a party to the TPP negotiation. You may find our contact information at the end of this letter.

We look forward to hearing back from you soon,

Canadian HIV/AIDS Legal Network
Universities Allied for Essential Medicines
The Council of Canadians
Grandmothers Advocacy Network
Canadian Federation of University Women — Burlington, Ontario
Dignitas International
Canadian Treatment Action Council
CATIE
Canadian Federation of Medical Students
American Medical Student Association
International Federation of Medical Students' Associations
Health GAP — Global Access Project

Contact information:

Richard Elliott, Executive Director
Canadian HIV/AIDS Legal Network
416 595 1666 (ext. 229), relliott@aidslaw.ca

Diane Singhroy, B.Sc., PhD Candidate, McGill University
Coordinating Committee, Universities Allied for Essential Medicines
514-963-5010, diane.singhroy@gmail.com