

Doctors Without Borders Calls Brazil's Bluff on AIDS Patent

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International medical aid agency Médecins Sans Frontières (Doctors Without Borders, MSF) criticized the Brazilian government for failing to "keep its pledge" to break antiretroviral drug patents to produce generic versions of the medicines.

Brazil in March threatened to break the patents on four antiretrovirals by April 4 if the drug manufacturers did not agree to allow the country to produce generic equivalents or buy them at discounted prices, but it has not done so, according to news agencies.

The Brazilian government asked U.S. drug companies Merck, Gilead and Abbott Laboratories to grant the government voluntary licensing to produce generic versions of four drugs produced by the companies and used in Brazil's National STD/AIDS Program.

The drugs in question include Merck's Efavirenz, Abbott's Lopinavir and Ritonavir and Gilead's Tenofovir.

Brazil's national AIDS program, which is considered to be one of the most progressive in the world, already manufactures and distributes generic versions of antiretrovirals, providing them at no cost to all HIV-positive people in the country.

The program ignores all patents issued before 1997, when Brazil signed an intellectual property law in order to join the World Trade Organization.

The government over the past three years repeatedly has said it might break patent laws in order to negotiate price reductions with pharmaceutical companies.

"The lack of action on the part of Brazilian authorities is incomprehensible. On the international level, Brazil has publicly defended using the flexibilities included in the World Trade Organization's TRIPS agreement.

"But when it comes time to transforming this bold posture into acts that benefit the Brazilian population, the government resembles a toothless tiger," MSF said in a statement, which was signed by 107 other nongovernmental organizations.

A Ministry of Health spokesperson said that breaking a patent is a "delicate process" and the country does not want the pharmaceutical companies to stop supplying the drugs before Brazil can produce generic equivalents, according to the Associated Press.

Supplying the four brand-name antiretrovirals would cost Brazil US\$ 169 million - or 67% of the government's budget for imported AIDS medications - this year, according to health ministry figures.

The Henry J. Kaiser Family Foundation
www.kaisernetwork.org