

# Joint Statement On The Trans-Pacific Partnership Agreement

25 April 2014



Breast Cancer Welfare Association  
Persatuan Kebajikan Kanser Payu Dara



MTAAG+

Positive Malaysian Treatment  
Access & Advocacy Group



Malaysian Association for the Study of pain  
[www.masp.org.my](http://www.masp.org.my)



Malaysian Mental Health  
Association

**APN PLUS**  
POSITIVE CHANGE



## Quotes

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**“ As FTAs can directly affect access to medicines, there is a need for countries to assess multilateral and bilateral trade agreements for potential health violations and that all stages of negotiation remain open and transparent.”**

*~ UN General Assembly, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, A/HRC/11/12  
(31 March 2009)*

**“ The avowed objectives in strengthening the intellectual property rights system were that it would lead to enhanced innovation, foreign investment, research and development and, indeed, transfer of technology... The experience of many developing countries with the implementation of the intellectual property agreements indicates that the fundamental objectives of these agreements are not being realized.”**

*~ UN Economic and Social Council, Commission on Human Rights, Report of the Secretary-General, E/CN.4/Sub.2/2001/12  
(14 June 2001)*

**“ Malaysia reaches high-income status very soon and we will be forced to accept more expensive medicines for HIV under the TPPA. As it is, many patients are underprivileged and marginalised. These provisions will only create more barriers to treatment, care and support services.”**

*~ Datuk Dr Raj Karim, President  
Malaysian AIDS Council*

**“ Malaysians with rare diseases and genetic conditions must be provided with affordable care and access to orphan drugs. The TPPA would impair access to these life-saving medications due to their extremely high cost to the detriment of the healthcare of patients with rare diseases.”**

*~ Dato' Hatijah Ayob, President  
Malaysian Rare Disorders Society*

**“ Newer and better medications serve no purpose if they are not affordable and accessible to those who need them. TPPA must not lead to such a situation.”**

*~ Dr. Ang Kim Teng, President  
Malaysian Mental Health Association*

“ Access to the latest and affordable medicines, and medical treatment is essential to breast cancer survivors and the Malaysian people as a whole. The objectionable demands in the TPPA that make medicines and medical treatment more expensive and delay the entry of medicines and medical treatment into the Malaysian market including any delay in implementing any intellectual property provisions that are TRIPS+ to a time when the nation apparently attains a high income status would merely place the heads of all Malaysians in a noose! Let us not be hoodwinked, sooner or later, by trade agreements that go beyond mere trade issues.”

~ Associate Prof Zaharah Aiyub, President  
Breast Cancer Welfare Association (BCWA)

“ Access to the latest and affordable medicines and medical treatment is essential in our fight against cancer. It has to be affordable and accessible to those who need them.”

~ Saunthari Somasundaram, President  
National Cancer Society Malaysia

“ Access to affordable medicines is more than just a legal or logistical issue. It is a matter of life and death for us. It is a matter of productive life with dignity and impoverishment for the entire family. And it is a matter of exercising basic human rights and the denial of such rights. Any trade deal should not deny such basic rights.”

~ Shiba Phurailatpam  
APN Plus Positive Change

“ MIMPA, as Humanitarian Aid Professional Organization, prides itself in helping the poor and needy. To say yes to the TPPA is to accept the terms of Big Business which is essentially profit driven, something that is against MIMPA's philosophy since our aim and objective as an association is to serve the needy through disaster assistance is essentially free and not profit driven.”

~ Dr. Desi Baba Raja, President  
Malaysia Integrated Medical Professionals (MIMPA)

“ The availability of generic ARVs to treat HIV has benefited thousands of people living with HIV in Malaysia. While recognizing the importance of intellectual property rights, PT Foundation believes that protection of patents should not hamper access to life-saving affordable drugs. Provisions in the TPPA that harm access to medicines must be withdrawn.”

~ Hisham Hussein, Chairman  
PT Foundation

**G**eneric medicines save lives by preventing, curing and managing non-communicable and communicable diseases for all Malaysians, especially lower-income and marginalised groups.

The United States via the Trans-Pacific Partnership Agreement (TPPA) is demanding strict provisions that would reduce access to these affordable medicines. We oppose the following provisions because deprivation of affordable medicines would result in increased burden of disease, increased morbidity, and, indirectly, productivity and human resource losses that would affect the economy of the nation. The resulting economic and social burden would fall on the government – when medicines are expensive, people eventually run out of money and turn to government hospitals for treatment.

Recently, we became aware that Malaysia may be offered exemptions to these strict provisions until Malaysia reaches high-income GDP status. We would like to emphasize that transition periods DO NOT make this an acceptable deal, especially since Malaysia may reach high-income GDP status in the next 3-5 years.

We stand in opposition to any and all proposals in the Trans-Pacific Partnership Agreement that negatively affect access to medicines including:

- **EXPANSIVE PATENT PROTECTION** for new forms, uses and methods of using known substances. These aggressive low patenting standards can be used to extend pharmaceutical monopolies for minor variations on old products, including those that contribute nothing to efficacy.
- **PATENT TERM EXTENSIONS** that stretch the duration of a patent beyond 20 years.
- **PATENT LINKAGE** that prevents registration of generic medicines and facilitates abuse.
- **DATA EXCLUSIVITY** that prevents health authorities from relying on clinical trial data to register generic versions of medicines.
- Patenting of **DIAGNOSTIC, THERAPEUTIC and SURGICAL METHOD**
- **INVESTMENT RULES** that would allow multinational companies to sue governments over application of domestic health regulations in private international arbitration.

These provisions would also increase the risk of patent abuse – where minor modifications may result in further extensions of patents. Examples of this can be seen in the case of Alimta, the blockbuster lung cancer drug, and Glivec, the gastrointestinal cancer and child leukemia drug. As it is, Malaysia pays some of the highest prices for medicines in comparison to countries in the same income bracket. This is evidenced by the second-line HIV drug lopinavir/ritonavir, which goes by the brand name Kaletra.


These provisions would also contravene Article 24 of the Convention of the Rights of the Child (of which Malaysia is a member) which states: ‘States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.’

With these considerations, we urge the Malaysian government to reject all TRIPS+ provisions in the TPPA and to reject transitional period proposals that would bind Malaysia to implement TRIPS+ provisions in the future. Transitional periods DO NOT make the TPPA an acceptable deal.

Signed by,



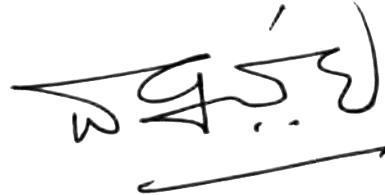
Associate Prof. Dr Zaharah Aiyub  
*President*  
*Breast Cancer Welfare Association (BCWA)*



Datuk Dr Raj Abdul Karim  
*President*  
*Malaysian AIDS Council*



Dr Tang Boon Nee  
*President*  
*Obstetrical and Gynaecological Society of Malaysia*



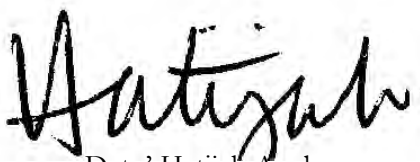
P R Selvarajan  
*Chairman*  
*Community AIDS Service Penang*



Saunthari Somasundaram  
*President*  
*National Cancer Society Malaysia*



Hisham Hussein  
*Chairman*  
*PT Foundation*



Dato' Hatijah Ayob  
*President*  
*Malaysian Rare Disorders Society*



Dato Dr NKS Tharmaseelan  
*President*  
*Malaysian Medical Association*



Ms Yeap Meng Chee  
*Chairperson*  
*Federation of Reproductive Health*  
*Association Malaysia*



Professor Dr Roslina Abdul Manap  
*President*  
*The Malaysian Thoracic Society*



Dr Dhesi Baha Raja Selva Raja  
*President*  
*Malaysian Integrated Medical Professionals Association*