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Keywords

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By Greg Luttschik

This piece was originally featured as a blog post at www.ipbrief.net. The AU Intellectual Property Brief provides daily content on hot issues, breaking news, and trends within intellectual property law worldwide.

Thailand is making waves on the international patent scene again with its plans to extend compulsory licensing schemes for Sustiva and Kaletra, two important HIV/AIDS drugs. With Thailand being a familiar face on the USTR's 301 report and its prior scrap over this licensing plan with Kaletra owner Abbot Laboratories, the country seems to be willing to thumb its nose at the Trade Representative and the pharma giant's significant influence. The decision came down after the Disease Control Department, the Department of Intellectual Property, the Foreign Ministry, the Government Pharmaceutical Organization, the FDA, and several AIDS activist organizations agreed that the compulsory licensing policy was in accordance with the 2001 Doha Declaration. For that many groups to reach a mutual agreement, my guess is that either some very good coffee was served at the meeting or that the representatives were told that lunch was conditional upon their reaching a conclusion.

In effect, the decision allows the Thai government to continue importing generic versions of the two drugs from India. With savings on AIDS drugs standing at \$36 million since the licenses were imposed and \$100 million in potential savings if the licenses are extended for the duration of the patents, the decision whether to maintain this policy has serious implications for access to HIV/AIDS treatment in Thailand. With the licenses in place, approximately 29,360 people are receiving Sustiva and 6,200 have access to Kaletra. Before, only 4,539 people could get Sustiva

and 39 could afford Kaletra. Yes, that's 39 people out of a nation with an HIV+ population of almost 610,000. (<http://www.bangkokpost.com/news/health/189154/hiv-aids-drugs-licence-extended>)

Some WCL students know that you can't string together the words "Doha," "Pharmaceuticals," and "301 report" without attracting the attention of Professor Flynn over at the Program on Information Justice and Intellectual Property (PIJIP). Professor Flynn and PIJIP covered this compulsory licensing issue extensively back in 2007, and the reports are still available here. For some other PIJIP work on the Special 301 report and access to medicines, check out the links below.

Review of the 2010 Special 301 Report Sections on IP and Access to Medicines
<http://www.wcl.american.edu/pijip/go/blog-post/preliminary-review-of-the-2010-special-301-report-sections-on-ip-and-access-to-medicines>

PIJIP Calls for USTR Policy Change to Promote Access to Medicines:
<http://www.wcl.american.edu/pijip/go/pijip03022010>

