



## CAMPAIGN FACTSHEET - AN INTRODUCTION.

### **BIG PHARMA: DROP THE CASE!**

### **Make Medicines Affordable in Argentina and Brazil.**

#### **Big Pharma is threatening lives in Brazil and Argentina.**

Brazil and Argentina both have universal public health systems, which includes a commitment to the free distribution of essential medicines for all.

Many peoples' lives rely on these public health policies. But instead of the governments achieving these aims, many people are receiving sub-standard treatment, or receiving no treatment at all - lives are being ruined and people are dying.

It is possible for the life-saving drugs to exist at prices that would mean everyone can access them. The barrier is price.

#### **High prices are being imposed on essential medicines through unmerited monopolies.**

As a patent-holder, pharmaceutical companies can charge high prices and prevent the purchase of much lower-cost generic medicines (of assured quality), compromising public budgets and the population's access to medicines.

Too many unmerited patents are being granted - wherever and whenever Big Pharma can get away with it. This situation is alarming. It's not only competition that is destroyed, but also a country's health budget, meaning many patients go without. It also stifles innovation.

#### **All in all, the consequences are devastating.**

**That is why Brazil and Argentina have created strict standards and procedures for patent examination** in the pharmaceutical sector and have successfully blocked several undeserved patents, ensuring generic competition and price reductions that save lives.

**Now Big Pharma wants to destroy these mechanisms.** Interfarma and CAEME, associations that represent the interest of multinational pharmaceutical companies in Brazil and Argentina, have filed

**"Companies attack our public health safeguards saying that they do it to protect their patents. So who is protecting the patients?"**

**Human rights are not being enforced to protect people from patent abuses, it's time to change that before we lose all our right to health achievements."**

**- Lorena Di Giano, Executive Director of FGEP, Argentina.**



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court cases that threaten the future of access to medicines in these countries and beyond. If the courts rule in favour of the companies, it risks the lives of millions of people in Brazil and Argentina.

**Profits cannot come before patients.** For the sake public health systems and universal access to medicines, we call on Big Pharma to drop the case in Brazil and Argentina - and to stop such attacks forever.

“Treatment with sofosbuvir cured the hepatitis C infection with which I lived for 13 years - it saved my life.”

- Pablo García, F-GEP’s President, Buenos Aires.

“However I had to acquire the treatment in 2015 in India, with great effort and complications, due to the fact that the medicine is much cheaper there.

We’re working for everyone to have unhindered access to the cure.”

## PATIENTS BEFORE PROFITS

In cases like sofosbuvir, the drug that represents the cure for hepatitis C, the monopoly price resulting from an unmerited patent would exceed the money available in the public budget for Hep C treatment.

F-GEP successfully opposed Gilead’s patent on sofosbuvir, which is an important step forward to protect public health. It will now be possible to produce cheaper generics locally, meaning more people could be cured.

Atripla, a key drug in the treatment of HIV, was purchased at a cost 19 times lower than the original price requested by the patent holder in Argentina, due to being able to purchase generic drugs.

An investigation carried out by FGEP’s technical and legal team found that after the new guidelines were introduced, from 75 applications for pharmaceutical

patents, 51% of the patents were not granted. It shows the more rigorous examination brought in by the guidelines guidelines is working, which is exactly why Big Pharma is challenging it, as this move to protect public health threatens their excessive, unmerited profits.



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### RIGOROUS PATENT EXAMINATION IS KEY TO SAVE LIVES

As recognized in September 2016, by the Report of the UN High Level Panel on Access to Medicines, “the freedom to determine patentability criteria” is an essential measure to reduce the policy incoherence between public health and rules on intellectual property. The report recommends “adopting and applying rigorous definitions of invention and patentability that are in the best interests of the public health of the country and its inhabitants”.

### CAMPAIGN HISTORY - AND FUTURE

In 2014 and 2015, the associations of transnational pharmaceutical companies (INTERFARMA - Associação da Indústria Farmacêutica de Pesquisa in Brazil and CAEME - Cámara Argentina de Especialidades Medicinales in Argentina) went to court suing the national governments for adopting pro public health measures in intellectual property laws in the two countries. In Argentina, Big Pharma is challenging the national patent examination guidelines. In Brazil, they are challenging the participation of health authorities in the analysis of pharmaceutical patent applications (known as ‘ANVISA’s prior consent’). Both provisions aim to avoid the granting of unmerited pharmaceutical patents.

ABIA and FGEP have joined the relevant cases as third parties to protect patients’ rights.

### TAKING ACTION

Dates for the court hearings are not set.

When they are announced we will have a small window when your actions will be most effective - with possibly **only 1 or 2 days to act**.

We need a loyal supporter base, which can spring into action at the right time, when court dates are announced, for example, and we can have the most impact. [Please sign up here.](#) \*

\*This will sign you up the Make Medicines Affordable monthly e-newsletter, which will include campaign asks and updates from Drop the Case at the relevant times, as well as broader news.

Last updated: February 2018

