



FIFTY-SIXTH WORLD HEALTH ASSEMBLY

WHA56.27

Agenda item 14.9

28 May 2003

Intellectual property rights, innovation and public health

The Fifty-sixth World Health Assembly,

Having considered the report on intellectual property rights, innovation and public health,¹

Considering that available data indicates that of some 1400 new products developed by the pharmaceutical industry between 1975 and 1999, only 13 were for tropical diseases and three were for tuberculosis;

Aware that the developed countries represent nearly 90% of global pharmaceutical sales, whereas of the 14 million global deaths due to infectious diseases, 90% occur in the developing countries;

Concerned about the insufficient research and development in so-called “neglected diseases” and “poverty-related diseases”, and noting that research and development in the pharmaceutical sector must address public health needs and not only potential market gains;

Mindful of concerns about the current patent protection system, especially as regards access to medicines in developing countries;

Recalling that, in accordance with the Declaration on the TRIPS Agreement and Public Health (Doha Declaration), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) does not and should not prevent Members from taking measures to protect public health and, in particular, to promote access to medicines for all;

Noting that the TRIPS Agreement contains flexibilities and that in order to use them adequately, Member States need to adapt national patent legislation;

Reaffirming resolution WHA52.19 on the revised drug strategy, resolution WHA54.11 on WHO medicines strategy and resolution WHA55.14 on ensuring accessibility of essential medicines;

Considering that Member States should urge the pharmaceutical industry to reinvigorate its efforts to develop innovations that add real therapeutic advantage in treating the world’s major killer diseases, especially in developing countries;

¹ Document A56/17.

Recognizing the importance of intellectual property rights in fostering research and development in innovative medicines and the important role played by intellectual property with regard to the development of essential medicines;

Taking into account that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination;

Further considering the continuing efforts of WTO Members to reach a solution for paragraph 6 of the Doha Declaration which recognizes that “WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement”;

Reasserting the need to accomplish target 7 of Millennium Development Goal 6 and target 17 of Millennium Development Goal 8;

Noting resolutions 2001/33 and 2003/29 of the Commission on Human Rights on access to medicines in the context of pandemics such as HIV/AIDS,

1. URGES Member States:

- (1) to reaffirm that public health interests are paramount in both pharmaceutical and health policies;
- (2) to consider, whenever necessary, adapting national legislation in order to use to the full the flexibilities contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS);
- (3) to maintain efforts aimed at reaching, within WTO and before the Fifth WTO Ministerial Conference, a consensus solution for paragraph 6 of the Doha Declaration, with a view to meeting the needs of the developing countries;
- (4) to seek to establish conditions conducive to research and development that spur the development of new medicines for diseases that affect developing countries;

2. REQUESTS the Director-General:

- (1) to continue to support Member States in the exchange and transfer of technology and research findings, according high priority to access to antiretroviral drugs to combat HIV/AIDS and medicines to control tuberculosis, malaria and other major health problems, in the context of paragraph 7 of the Doha Declaration which promotes and encourages technology transfer;
- (2) by the time of the 113th session of the Executive Board (January 2004), to establish the terms of reference for an appropriate time-limited body to collect data and proposals from the different actors involved and produce an analysis of intellectual property rights, innovation, and public health, including the question of appropriate funding and incentive mechanisms for the creation of new medicines and other products against diseases that disproportionately affect developing countries, and to submit a progress report to the Fifty-seventh World Health

Assembly and a final report with concrete proposals to the Executive Board at its 115th session (January 2005);

(3) to cooperate with Member States, at their request, and with international organizations in monitoring and analysing the pharmaceutical and public health implications of relevant international agreements, including trade agreements, so that Member States can effectively assess and subsequently develop pharmaceutical and health policies and regulatory measures that address their concerns and priorities, and are able to maximize the positive and mitigate the negative impact of those agreements;

(4) to encourage developed countries to make renewed commitments to investing in biomedical and behavioural research, including, where possible, appropriate research with developing country partners.

Tenth plenary meeting, 28 May 2003
A56/VR/10

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