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## **Public health, innovation and intellectual property: global strategy and plan of action**

### **Report by the Secretariat**

1. In resolution WHA59.24 on Intellectual Property Rights, Innovation and Public Health, the Fifty-ninth World Health Assembly decided to establish an Intergovernmental Working Group to draw up a global strategy and plan of action in order to provide a medium-term framework based on the recommendations of the Commission on Intellectual Property Rights, Innovation and Public Health and aimed, *inter alia*, at securing an enhanced and sustainable basis for needs-driven, essential health research and development on diseases that disproportionately affect developing countries, proposing clear objectives and priorities for research and development, and estimating funding needs.

2. Member States met in sessions of the Working Group in December 2006, November 2007 and April 2008. In addition, regional consultations were held in all regions from August to October 2007 to discuss the draft global strategy and plan of action. The Group's work, which also involved experts, concerned entities and nongovernmental organizations, was submitted to the Sixty-first World Health Assembly in May 2008.<sup>1</sup> The Health Assembly adopted the global strategy and the agreed parts of the plan of action on public health, innovation and intellectual property in resolution WHA61.21.

3. That resolution requested the Director-General, *inter alia*, to undertake a number of immediate and medium-term actions, including finalization of the outstanding components of the plan of action; preparation of a Quick Start Programme; establishment of a results-oriented and time-limited expert working group; and reporting on these actions. This report is an update on these activities.

4. The outstanding components of the plan of action, including time frames, progress indicators and estimated funding needs, have been finalized. Based on guidance provided by Member States to the Intergovernmental Working Group, the Secretariat has undertaken further work on a set of indicators that would allow the monitoring of overall progress in implementation of the global strategy and plan of action. Where appropriate, linkages to other existing monitoring mechanisms have been made. A proposed set of progress indicators was reviewed by the Executive Board at its 124th session.<sup>2</sup> A revised document, incorporating suggestions from Member States will be provided to the Health Assembly. The Secretariat has also undertaken a costing exercise to estimate funding needs for the implementation of the plan of action. Where appropriate, this exercise has been guided

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<sup>1</sup> Document A61/9.

<sup>2</sup> Document EB124/2009/REC/2, summary record of the tenth meeting.

by the work undertaken in costing other WHO plans of action. Proposed time frames and estimated funding needs can be found in another accompanying document.<sup>1</sup>

5. The Secretariat has initiated the Quick Start Programme to implement a number of specific actions of the global strategy and plan of action that fall under the responsibility of WHO. This work was preceded by an Organization-wide exercise to identify ongoing activities that contribute to implementation. Additional activities initiated in 2008 under the Quick Start Programme fall within the following broad areas: (i) mapping of global research and development activities, identification of research gaps and research priority setting; (ii) supporting research and development and promoting standard setting for traditional medicines in developing countries; (iii) developing and strengthening regulatory capacity in developing countries; and (iv) development of a monitoring and reporting framework. In addition, the Secretariat is collaborating with the Global Forum for Health Research to create a database of possible sources of financing for research and development.

6. The Director-General has established a results-oriented and time-bound expert working group. This regionally-representative group comprises internationally-recognized policy-makers and technical experts in the fields of public health, biomedical science, finance, and economics. In addition, a number of experts will be invited to provide expert advice and attend sessions of the expert working group to discuss specific issues. The expert working group held its first meeting from 12 to 14 January in Geneva. In its first meeting, the group reviewed current financing and coordination of research and development and decided on its method of work and follow-up activities. The second meeting of the group is planned for June 2009, and it is proposed to hold the third and final meeting in November 2009. Member States have been contacted so that they can submit proposals for new and innovative sources of funding to stimulate research and development; these proposals will be reviewed by the expert group in its second meeting. A web-based public hearing was held in support of this canvassing activity.

7. Key elements of the global strategy and plan of action, such as prioritizing research and development needs, promoting research and development, building and improving innovative capacity, transfer of technology, promoting sustainable financing mechanisms, and establishing monitoring and reporting systems, have clear links to the proposed WHO strategy on research for health.<sup>2</sup> The WHO strategy on research for health will be implemented throughout the Organization and with partners; implementation will also be in line with the references to research for health contained in the global strategy and plan of action. In addition, relevant actions of the global strategy have also been reflected in the draft WHO medicines strategy 2008–2013.

8. Activities in the areas of intellectual property and trade are coordinated with other relevant international intergovernmental organizations, including UNCTAD, WIPO and WTO, and aim at capacity building, information sharing, and technical and policy support to Member States. This ongoing work is guided by the global strategy and relevant Health Assembly resolutions. A report of the Secretariat's work was also presented to WTO's Council for Trade-Related Aspects of Intellectual Property Rights.<sup>3</sup> High-level meetings between the Directors-General of UNCTAD, WHO, WIPO and WTO have been held to discuss the global strategy and potential interagency collaboration to facilitate its implementation.

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<sup>1</sup> Document A62/16 Add.1.

<sup>2</sup> See document A62/12.

<sup>3</sup> Document IP/C/W/516/Add.1.

9. The global strategy and plan of action have also been presented and discussed at several high-level forums and meetings, including the WHO Congress on Traditional Medicine (Beijing, 7–9 November 2008) and the Global Ministerial Forum on Research for Health (Bamako, 17–20 November 2008).

10. The global strategy and plan of action were considered by all regional committees in 2008. The Regional Committee of the Americas adopted a resolution calling for Member States to promote action at regional level.<sup>1</sup>

11. The African Network for Drugs and Diagnostics Innovation was launched in October 2008 with support from the UNICEF/UNDP/World Bank/WHO Special Programme for Research and Training in Tropical Diseases and from several African institutions. It aims to promote and sustain African-led research and development innovation, and support capacity and infrastructure development in Africa. Network activities to strengthen health innovation in Africa could be a critical regional contribution towards the implementation of the global strategy and plan of action. Similar initiatives are also being planned in other regions.

12. Informal consultations are taking place among Member States in order to reach agreement on the open paragraphs on stakeholders in the plan of action.

## **ACTION BY THE HEALTH ASSEMBLY**

13. The Health Assembly is invited to note the report.

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<sup>1</sup> Resolution CD48/R.15.