
Report on developments since the first session of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property

Report by the Secretariat

1. The task of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, established by resolution WHA59.24, is to draw up a draft 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.¹ The framework would aim, inter alia, at securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries.
2. Resolution WHA59.24 decided that the Working Group should report to the Sixtieth World Health Assembly through the Executive Board on the progress made, giving particular attention to needs-driven research and other potential areas for early implementation. It also decided that the final global strategy and plan of action should be submitted to the Sixty-first World Health Assembly, through the Executive Board.
3. At its first session, the Working Group initially considered six elements of a draft plan of action: prioritizing research and development needs; promoting research and development; building and improving innovative capacity; improving delivery and access; ensuring sustainable financing mechanisms; and establishing monitoring and reporting systems. Member States decided that transfer of technology and management of intellectual property should be added as separate items, and all eight elements were examined. The Working Group also discussed elements of a global strategy based on WHO's Constitution, the Commission's report,² resolution WHA59.24 and other recent resolutions and previous work in relevant subject areas.
4. An outcome document containing elements of a plan of action and global strategy was issued at the end of the first session as the basis for consultations and intersessional work.³ Some Member States, in accordance with resolution WHA59.24, suggested potential areas for early implementation,

¹ Document A/PHI/IGWG/1/2, Annex.

² Document CIPIH/2006/1.

³ Document A/PHI/IGWG/1/5.

taking into account the Commission's recommendations. Some concern was expressed that too little time had been devoted at that session to identifying and discussing adequately such areas; it was agreed to submit to the Executive Board in January 2007 at its 120th session and subsequently to the Sixtieth World Health Assembly the suggestions made on areas for possible early implementation, indicating that these suggestions had not been endorsed by Member States.

5. Following the first session, the Bureau of the Working Group met as necessary in order to consider possible intersessional work and to prepare for the second session.

6. At its 120th session the Board reviewed the progress made by the Working Group and discussed potential areas for early implementation.¹ Having considered the recommendation of the Working Group on nongovernmental organizations and the report of its Standing Committee on Nongovernmental Organizations, the Board authorized its Chairman, acting jointly with the Chairman of the Standing Committee, to admit provisionally nongovernmental organizations into official relations with WHO² for the purpose of participating in the work of the Working Group.

7. The report of the first session of the Working Group was issued on 25 January 2007.³ Two Circular Letters were despatched to Member States (12 January and 15 February 2007) inviting additional inputs to the Working Group's elements of a global plan and strategy by the end of February 2007. Twenty-two submissions were received with comments from Member States, including one from the Presidency of the European Union on behalf of its 27 Member States, one from a group of South-East Asian countries and one from Kenya on behalf of Member States in the African Region.

8. In order to expand the pool of experts and concerned entities invited to attend sessions of the Working Group, pursuant to resolution WHA59.24, and ensure balanced regional, gender and developing/developed country representation, the Director-General also invited Member States to submit proposals for such experts and entities to attend the second session, for her decision after consultation with the Bureau of the Working Group. Based on the inputs from Member States and following consultation with the Bureau, the Director-General identified an expanded group of 15 experts and seven concerned entities to be invited to attend the second session.

9. At the Sixtieth World Health Assembly in May 2007, Member States reviewed progress made by the Working Group and adopted resolution WHA60.30 to guide further the ongoing process.

10. At the request of the Working Group, and following the discussions at the Health Assembly, the Secretariat has prepared a revised working document, building on inputs of Member States during the first session of the Working Group and the submissions subsequently received. The draft global strategy and plan of action⁴ form the basis for negotiations at the present session.

11. Regional and intercountry consultations, organized with the support of WHO's regional offices, took place in August, September and October 2007, with participation of Member States and other

¹ See document EB119/2006–EB120/2007/REC/2, summary record of the ninth meeting of the 120th session, section 2.

² Decision EB120(3).

³ Document A/PHI/IGWG/1/6.

⁴ Document A/PHI/IGWG/2/2, issued 31 July 2007.

stakeholders and, in some cases, experts and concerned entities from the region in question. Participants reviewed the draft global strategy and plan of action, and the reports of these consultations were posted on the WHO web site.

12. Following these regional consultations, some Member States conducted individual national follow-up meetings on the draft text, in particular in order to identify issues of national interest and concern before the present session.

13. WHO's regional committees, too, discussed progress of the Working Group and the outcome of regional consultations.

14. A two-part web-based, public hearing was held from 15 August to 30 September 2007. The first section focused on additional inputs and comments from various stakeholders on the draft global strategy and plan of action. The second section was related to the specific request in resolution WHA60.30 to encourage proposals for research and development, including incentive mechanisms that address the linkage between the cost of research and development and the price of health-care products. More than 70 submissions were received from a wide range of stakeholders, including governments and national institutions, civil society, academia, the private sector and patients' organizations.

15. The submissions to the public hearing have been summarized¹ and compiled in their original language.² Several background papers requested by Member States to facilitate the work of the Working Group will be made available on request.

16. The Secretariat continues to implement those recommendations of the Commission that are specifically addressed to WHO and fall within its mandate.

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¹ Document A/PHI/IGWG/2/INF.DOC./7.

² Document WHO/PHI/2007.2, available in the Boardroom.