

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

Report by the Secretariat

1. The second session of the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property, established by resolution WHA59.24, opened in Geneva on 5 November 2007. The Working Group was chaired by Mr P. Oldham (Canada), with the following as vice-chairmen: Mr B. Wijnberg (Netherlands), Dr H. Gashut (Libyan Arab Jamahiriya), Dr A.E.O. Ogwell (Kenya), Mr Jaya Ratnam (Singapore), and Mr N. Dayal (India). Dr Ogwell was also the Rapporteur.
2. The task of the Working Group is to draw up a draft global strategy and plan of action aimed at, inter alia, securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries, and to submit the drafts to the Sixty-first World Health Assembly through the Executive Board.
3. The Working Group suspended its work on 10 November 2007, agreeing to resume its second session before the Sixty-first Health Assembly. The date (tentatively late April/early May 2008) and venue will be confirmed later.
4. At the end of its first session (Geneva, 4–8 December 2006), the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property issued a document that recorded progress to date and contained the elements of a global strategy and a plan of action.¹ The Working Group agreed that Member States would be able to make additional comments and suggestions. The Secretariat would compile those inputs with the existing documentation in preparing the draft global strategy and plan of action as the basis for negotiation during its second session.²
5. At its 120th session the Board reviewed progress made by the Working Group and discussed potential areas for early implementation.³ It also authorized its Chairman, acting jointly with the Chairman of the Standing Committee on Nongovernmental Organizations, to admit provisionally nongovernmental organizations into official relations with WHO for the purpose of participating in the work of the Working Group.⁴

¹ Document A/PHI/IGWG/1/5.

² Document A/PHI/IGWG/1/6.

³ See document EB119/2006–EB120/2007/REC/2, summary record of the ninth meeting of the 120th session, section 2.

⁴ Decision EB120(3).

6. In early 2007 the report of the first session of the Working Group was issued,¹ and Member States were invited to give additional input to the Working Group's elements of a global strategy and plan of action by the end of February 2007; 22 submissions were received with comments.²

7. 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 to ensure balanced regional, gender and developing/developed country representation, the Director-General invited Member States to submit proposals. On that basis and after consultation with the officers of the Working Group, she identified an expanded group of 15 experts and seven concerned entities to be invited to attend the second session.

8. In May 2007 the Sixtieth World Health Assembly reviewed progress made by the Working Group and, in resolution WHA60.30, encouraged the Director-General to guide the process to draw up a draft global strategy and plan of action.

9. The Secretariat prepared a revised working document, building on input of Member States during the first session of the Working Group and the submissions received subsequently. The resulting text,³ which formed the basis for negotiations at the second session, includes a narrative section on the context, aim and focus of the strategy, with discussion of its eight elements, and a matrix indicating specific actions, potential stakeholders, time frame and progress indicators for the plan of action.

10. 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, other stakeholders and, in some cases, experts and concerned entities from the Region in question. Participants reviewed the draft global strategy and plan of action. The reports of these consultations were posted on WHO's web site. In addition, WHO's regional committees discussed progress of the Working Group and the outcome of regional consultations.

11. A two-part, web-based, public hearing was held from 15 August to 30 September 2007. The first section was dedicated to inputs and comments on the draft global strategy and plan of action.³ The second section responded to the specific request to the Director-General by the Health Assembly in resolution WHA60.30 to encourage the development of 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 contributions were received from a wide range of stakeholders, including governments and national institutions, civil society, academia, the private sector and patients' organizations.

12. A summary of the submissions to the public hearing was submitted to the Working Group at its second session.⁴ In addition, several background papers requested by Member States to facilitate the work of the Working Group were prepared.

¹ Document A/PHI/IGWG/1/6.

² Document A/PHI/IGWG/2/3.

³ Document A/PHI/IGWG/2/2.

⁴ Document A/PHI/IGWG/2/INF.DOC./4.

13. At its second session, the Working Group considered the draft global strategy and plan of action in two drafting groups and a subgroup.

14. A Conference Paper detailing components of the global strategy discussed in the second session of the Working Group and progress made¹ has been circulated to participants. This document designates text on which there is consensus, text that was discussed but which still contains square brackets and which needs to be further negotiated during the resumed session, and text that has not yet been discussed.

15. The Working Group agreed that Member States would have the opportunity to review text that has not yet been discussed and to provide comments to the Secretariat by the end of January 2008. The comments received will be issued as an addendum to the Conference Paper in March 2008 before the second session of the Working Group resumes.

16. The Secretariat will also convene an additional meeting of the subgroup in March 2008 to review further the matrix of the draft plan of action.

17. The Working Group plans to finalize the draft global strategy and plan of action in its resumed second session. The officers of the Working Group will continue to meet as necessary to consider other possible intersessional work and detailed arrangements for the resumed session.

ACTION BY THE EXECUTIVE BOARD

18. The Board is invited to note the report.

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¹ Document A/PHI/IGWG/2/Conf.Paper No.1 Rev.1.