

Fifth report of Committee B

Committee B held its tenth meeting on 23 May 2007 under the chairmanship of Mr Thomas Zeltner (Switzerland).

It was decided to recommend to the Sixtieth World Health Assembly the adoption of the attached one resolution relating to the following agenda item:

12. Technical and health matters

12.20 Public health, innovation and intellectual property: progress made by the Intergovernmental Working Group

One resolution, as amended, entitled:

- Public Health, innovation and intellectual property

Agenda item 12.20

Public health, innovation and intellectual property

The Sixtieth World Health Assembly,

Recalling resolution WHA59.24, creating an intergovernmental working group with the purpose of elaborating a draft global strategy and plan of action to provide a medium-term framework based on the recommendations of the Commission on Intellectual Property, Innovation and Public Health, and to secure, inter alia, an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries, proposing clear objectives and priorities for research and development, and estimating funding needs in this area;

Concerned that communicable diseases account for approximately 50% of the burden of disease in developing countries, and that access to medicines, vaccines and diagnostic kits is hampered by, inter alia, inadequate health-care systems, lack of resources and prices that are beyond the reach of many in the developing world;

Conscious of the growing burden of disease and conditions that disproportionately affect developing countries, particularly those affecting women and children, including an upsurge in noncommunicable diseases;

Noting that the Doha Ministerial Declaration on the TRIPS Agreement and Public Health confirms that the Agreement does not and should not prevent Members from taking measures to protect public health;

Noting that intellectual property rights are an important incentive for the development of new health-care products;

Welcoming with enthusiasm the commitment of the Director-General to the process spearheaded by the Intergovernmental Working Group on Public Health, Innovation and Intellectual Property,

1. EXPRESSES appreciation to the Director-General for her commitment and encourages her to guide the process to draw up a global strategy and plan of action that will provide a medium-term framework for needs-driven essential health research and development;
2. URGES Member States to support fully and actively the Intergovernmental Working Group process and provide adequate resources to WHO;
3. REQUESTS the Director-General:
 - (1) to ensure technical and financial support to the Intergovernmental Working Group in order to facilitate completion of its tasks in time for its report to the Sixty-first World Health Assembly;
 - (2) to provide as appropriate, upon request, in collaboration with other competent international organizations, technical and policy support to countries that intend to make use of

the flexibilities contained in the agreement on Trade-Related Aspects of Intellectual Property Rights and other international agreements in order to promote access to pharmaceutical products,¹ and to implement the Doha Ministerial Declaration on the TRIPS Agreement and Public Health and other WTO instruments;

(3) to provide technical and financial support for regional consultative meetings in order to set regional priorities that will inform the work of the Intergovernmental Working Group;

(4) to encourage the development of proposals for health-needs driven research and development for discussion at the Intergovernmental Working Group that includes a range of incentive mechanisms including also addressing the linkage of the cost of research and development and the price of medicines, vaccines, diagnostic kits and other health-care products and a method for tailoring the optimal mix of incentives to a particular condition or product, with the objective of addressing diseases that disproportionately affect developing countries;

(5) to prepare background documents on each of the eight proposed elements of the plan of action, as identified by the Intergovernmental Working Group, including:

- a matrix on ongoing activities and current gaps;
- a matrix on current proposals referring to key stakeholders;
- the financial implications of those proposals.

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¹ The WTO General Council in its Decision of 30 August 2003 on Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health decided that “pharmaceutical product” means any patented product, or products manufactured through a patented process, of the pharmaceutical sector needed to address the public health problems as recognized in paragraph 1 of the Declaration. It is understood that active ingredients necessary for its manufacture and diagnostic kits needed for its use would be included.