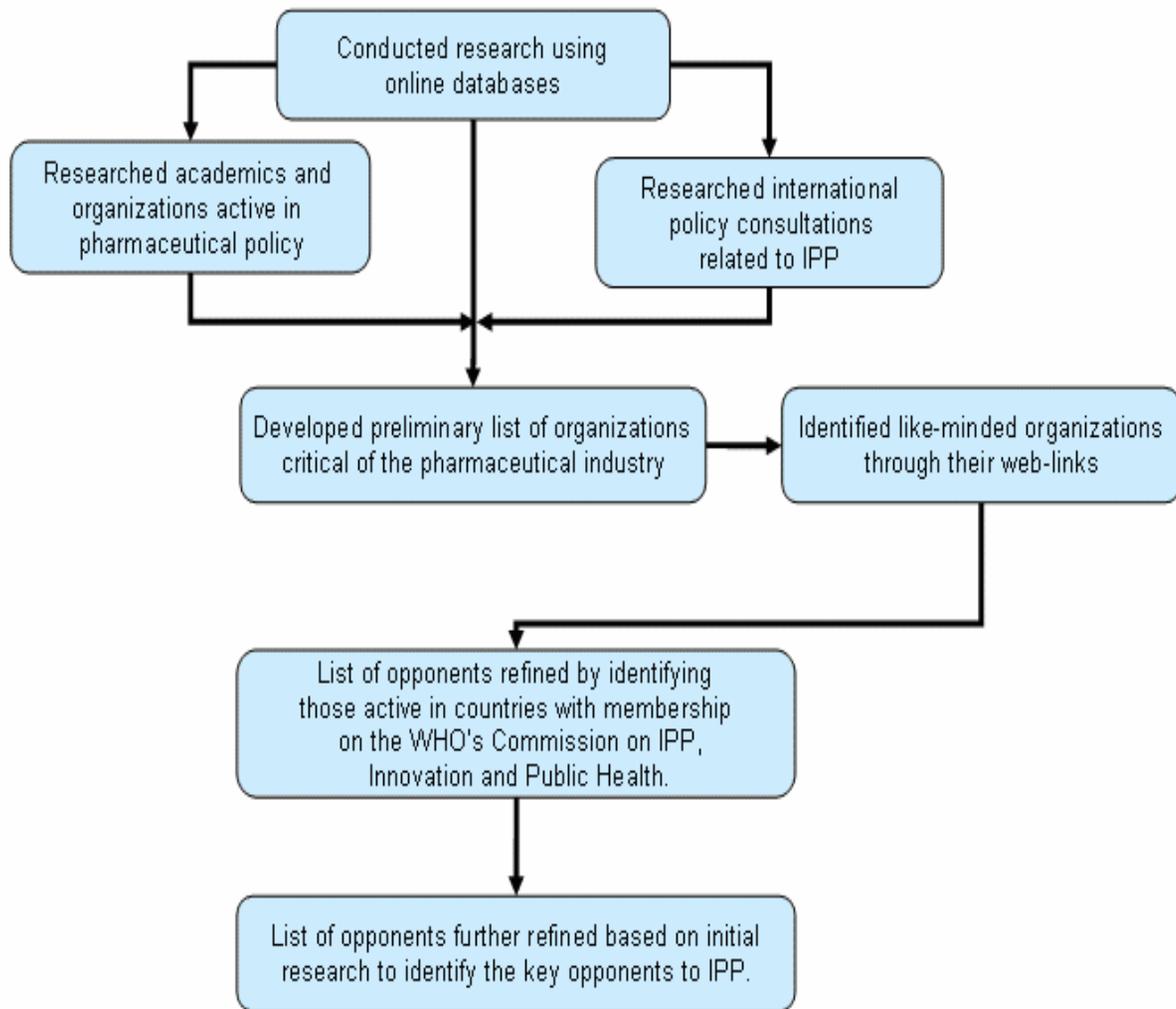


# **Intellectual Property Rights Environmental Scan**

Overview and Highlights

# Method and Scope



The Scan was conducted over a six-week project with the goal of providing an overview of groups opposing intellectual property rights (IPR) for medical innovation and highlighting some of the key players and their activities.

# Method and Scope

## Scope

The scope of this scan is limited to NGOs with an advocacy role and with adequate financial resources to garner attention and to become meaningfully engaged in influencing public policy.

## Methodology

Initial research focused on various on-line databases and select reports from national and international government commissions. From this, a preliminary list was developed of organizations actively opposing intellectual property rights for pharmaceutical innovation.

Further research into these organizations and the extent and impact of their activities helped to identify 15 organizations to be researched in greater detail.

# Organizations Reviewed

Of the 96 organizations initially researched for this IPR Environmental Scan, 15 were selected for detailed review. They include:

- 3D → Trade – Human rights – Equitable economy (Switzerland)
- ACT UP – NY (USA)
- Action Aid (South Africa)
- Aids Law Project (South Africa)
- Canadian HIV/AIDS Legal Network (Canada)
- CPTech (USA, Switzerland, UK)
- Essential Action (USA)
- Essential Inventions (USA)
- European Public Health Alliance (EPHA) (Belgium)
- Health Action International (Netherlands)
- Health Gap (USA)
- Knowledge Economy International (USA, Switzerland, UK)
- Médecins Sans Frontières (MSF)
- Oxfam International (UK, USA, Netherlands, Switzerland)
- Third World Network (Malaysia)

# Key Findings

1. Opponents to IPP are well organized and have a strong network of allies
2. Opponents to IPP are well funded
3. Opponents to IPP have influenced WHO's IGWG Draft Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property
4. Many organizations opposed to IPP are inter-related
5. Opponents to IPP employ a variety of tactics to achieve their goals

# 1. Opponents are well organized

- The majority of the NGO's identified in this scan have formal alliances or partnerships of convenience with a wide range of organizations involved in issues related to health, poverty and access to medicines.
- Oxfam alone has partnered with **3,250 organizations** around the globe.

## 2. Opponents to IPP are well funded

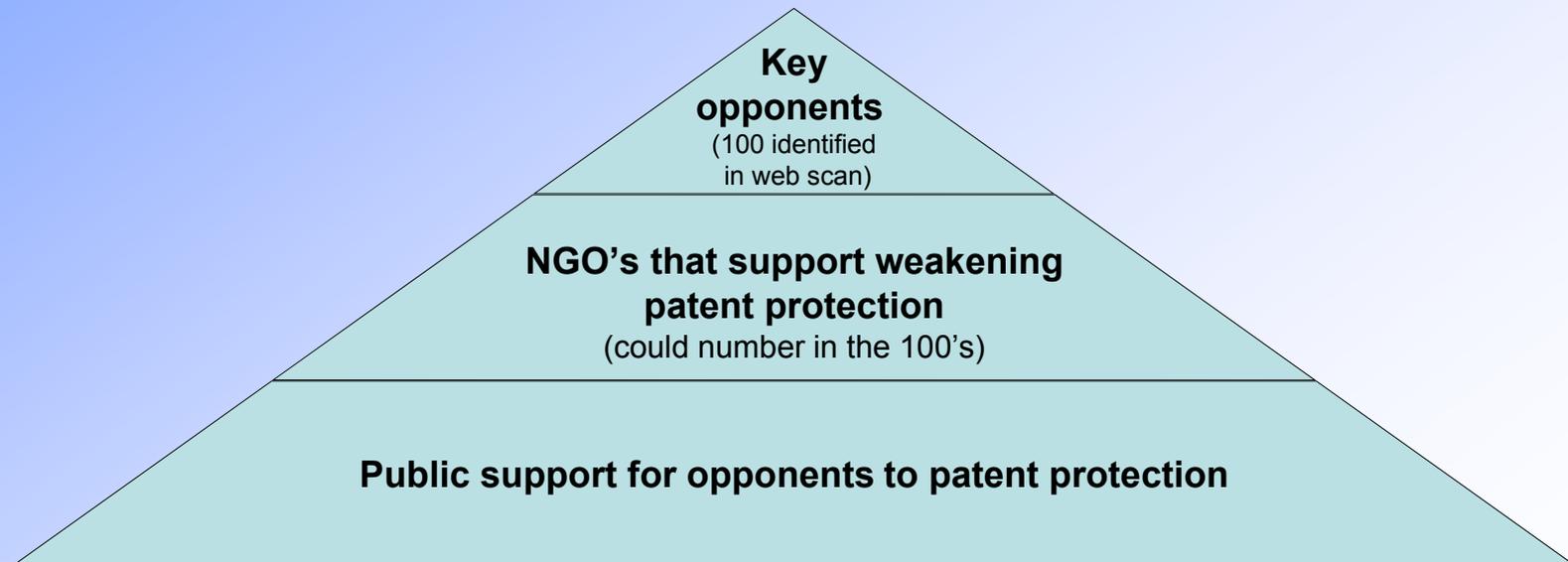
- The combined annual income of the 15 key opponents identified in this scan is approximately US \$1.4 billion.
- While only a portion of this total funding is directed towards IPP-related initiatives, these organizations have significant resources to fund an extensive campaign to weaken global patent protection for medical innovation.
  - *Doctors Without Borders (MSF) spends \$21 million annually on “awareness raising”, much of which is focused on access to medicines.*
  - *Oxfam spent \$82 million on a “right to be heard” campaign in 2004/05 and is very active on trade and IP issues.*

## 2. Opponents to IPP are well funded

- If these organizations spend only 3% of their total funding to advocate against intellectual property rights, US \$43 million would be spent annually by these 15 key organizations.
- The amounts and sources of funding for opponents to IPP vary significantly between organizations.
- Major sources of funding include:
  - *Government grants*
  - *Private Foundations*
  - *Individual donations*
  - *Corporate donations*

### 3. There are many opponents

- In an initial web-search of the global IP environment, **approximately 100 organizations were identified** that express views in opposition to the pharmaceutical industry on IPP matters.
  - *The number of NGO's that support weakening patent protection could well number in the several hundreds.*



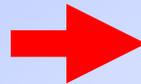
# 4. Opponents have influenced WHO's IGWG Draft Global Strategy on IPP

- Many items raised in submissions from key opponents to IPP are reflected in the IGWG draft plan, particularly relating to global research and development.

## Opponent Position

KEI Position – recommends that patent owners voluntary license inventions to generic producers, or that governments issue compulsory licenses to facilitate generic production of medicines.

This could be done most efficiently through the creation of patent pools or other methods of collective management of intellectual property rights.



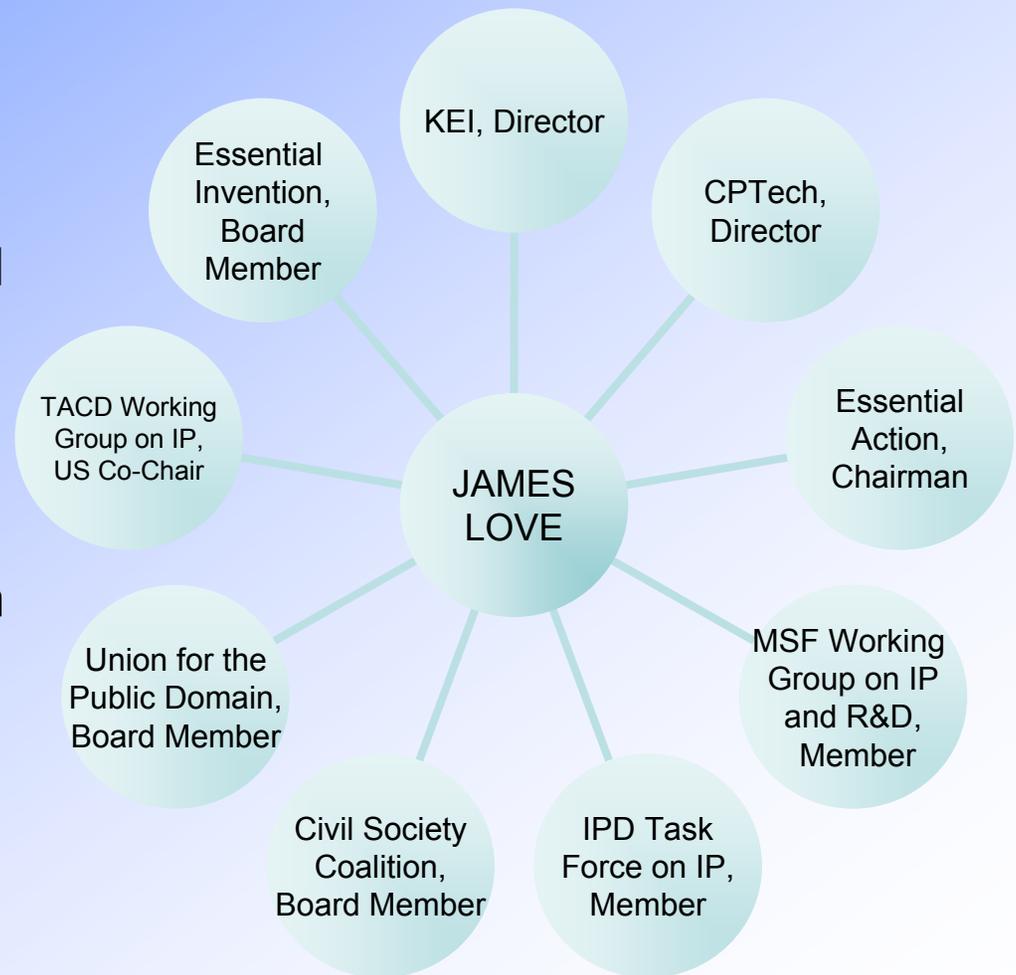
## Draft IGWG Plan Elements

6.3 d) Take necessary legislative steps in countries with manufacturing and export capacity to allow compulsory licensing for export consistent with the Agreement on Trade- Related Aspects of Intellectual Property Rights and the Doha Declaration on the TRIPS Agreement and Public Health

4.3 Develop mechanisms to manage intellectual property in order to promote transfer of and access to key technologies.  
(a) Promote patent pools of upstream and downstream technologies

# 5. Many opponents are inter-related

- Some key members of these organizations opposed to IPR are typically affiliated with a number of inter-related groups.
- One particularly illustrative case involves Knowledge Ecology International (KEI) and the Consumer Project on Technology (CPTech).
  - *They share the same contact information and are both directed by James Love.*



## 6. A wide range of tactics are used

- Common tactics employed by the opponents to IPR include:
  - *Lobbying and advocacy;*
  - *Pro-active policy development;*
  - *Media relations; and*
  - *Education and mobilization campaigns.*
  - *Online communications (blogs)*
- Other tactics that are used by select opponents include:
  - *Research; and*
  - *Legal consultation and action.*