

United Kingdom Secretary of State for International Trade

**Rt. Hon. Kemi Badenoch MP**

Department for International Trade  
Old Admiralty Building  
Admiralty Place  
London  
SW1A 2DY  
United Kingdom

Sunday 19<sup>th</sup> March 2023

CC: Minister Piyush Goyal, Indian Ministry of Commerce & Industry

Dear Secretary of State,

We write to you as representatives of health organisations, patient groups, civil society and community organisations from across the globe to raise concerns over the negotiations between the UK and India on an ongoing free trade agreement.

The leaked text of a chapter on Intellectual Property (IP) presents serious challenges to access to pharmaceutical products globally.<sup>1</sup> While we recognise that the leaked text may not reflect the current state of demands from the UK on this topic, the lack of transparency leaves us without assurances that all damaging provisions will be removed from the list of demands your team is putting forward.

Inclusion of an IP chapter by the UK in its trade discussions with India impacts global health. India's supply of medicines is critical to other developing countries. India is the largest provider of generic drugs globally, accounting for more than 20% of the world's generic medicine supply and 62% of the world's vaccine supply. Indian-made HIV medicines constitute 80% of Africa's total consumption.<sup>2</sup>

Therefore, any changes in the IP policies in India has an impact on access to medicines in developing countries and globally. Given the high stakes of this FTA for global health, there is a need for these negotiations to be free from the influence of pharmaceutical companies who have clear conflict of interest promoting provisions in FTAs that increases IP monopolies. UK's appointment of a chief negotiator who has previously worked with a pharmaceutical corporation for nearly three decades runs counter to this need for impartiality and independence. This is reflected in the leaked text of the IP chapter which reads as the wish list of the multinational bio-pharmaceutical industry vis-a-vis India's IP system.

India's current IP laws and medicines registration system allows for a better balance between commercial interests and public health needs while fully adhering to World Trade Organization rules. As a result, India has developed an ecosystem reserving patents for genuinely new compounds while ensuring timely generic competition, on which global health relies.

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<sup>1</sup> See <https://msfaccess.org/msf-responds-uks-disastrous-proposal-intellectual-property-uk-india-free-trade-agreement>

<sup>2</sup> See <https://www.gabionline.net/reports/India-supplies-20-of-generic-drugs-worldwide>; <https://scroll.in/article/745344/why-south-africas-health-minister-is-so-worried-about-india-caving-in-to-big-pharma>

The significance of generic competition from India for global health should not be underestimated. Generic competition, primarily in India, has helped bring prices for the standard HIV drug cocktail down by 99%, from more than \$10,000 in 2000 to less than \$100 today, enabling global treatment scale-up to over 28 million people.<sup>3</sup> And it is not just about HIV treatments either. Health ministries with tight public health budgets increasingly rely on affordable treatments supplied by India to fulfil their right to health obligations. Leading global health funds and donors such as the Global Fund, PEPFAR, UNITAID and UNICEF also rely heavily on Indian generic drugs.

Historically, the UK has played a substantial role in supporting health initiatives worldwide. But this legacy is under threat with its attempts to increase IP barriers that put affordable treatments out of reach of countries in the global south .

We are particularly concerned that UK's demands on IP based on proposals in the leaked text would:

- Interfere with or limit the right to challenge patents in India before they are granted. This is a vital tool for patients who can challenge poor-quality patent claims that can lead to unjustified monopolies.
- Enable 'evergreening' on known medicines in its patent examination process, which is currently discouraged under India's examination system. This ensures patents are based on genuine innovation.
- Require grant of market exclusivities on any clinical data. Such exclusivities are aimed at delaying the marketing of generic medicines by stalling approval by India's national drug regulatory authority.
- Require extension of the patent term beyond 20 years.
- Prevent proactive publication of whether the patentee is fulfilling the social contract of working a pharmaceutical patent in India to meet the needs of the public.
- Water down the transparency sections in the Indian Patents Act on the status of an application in other jurisdictions that not only benefit disclosure in India but also in patent searches on key medicines by public health organizations across the world.

These and any IP proposals of the UK government that in any way hinders or delays entry of affordable pharmaceutical products in India and globally are absolutely unconscionable.

**We call on the UK Government to immediately remove IP from the negotiations and increase transparency on the current status of the IP text. We also call for the resignation of UK's chief negotiator and the appointment of a new Chief Negotiator independent from pharmaceutical companies so that global health concerns, including access to affordable treatments, are not undermined but treated as priorities.**

## Signatories

### Global

1. Development Alternatives with Women for a New Era (Global South)
2. Health Action International (HAI)
3. Health Global Access Project
4. Human Rights Watch
5. International Grail Justice and Trade Network
6. Knowledge Ecology International, United States
7. LDC Watch
8. Médecins du Monde International Network
9. People's Health Movement (PHM)

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<sup>3</sup> <https://www.who.int/news-room/fact-sheets/detail/hiv-aids#:~:text=Globally%2C%2028.7%20million%20people%20living,at%20the%20end%20of%202021> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3078828/>

10. People's Vaccine Alliance (PVA)
11. Social Watch
12. Society for International Development
13. Treatment Action Group
14. Third World Network
15. Universities Allied for Essential Medicines (UAEM)

### **Regional**

16. Advocacy Network Africa (AdNetA)
17. Agro-Coastal Research & Development Organization (ACORDO), Somalia
18. AIDS and Rights Alliance for Southern Africa-ARASA
19. Asia Pacific Network of People Living with HIV (APN+)
20. Asia Pacific Council of AIDS Service Organizations (APCASO)
21. Assam Network of Positive People
22. Association of Women of Southern Europe (AFEM)
23. Centre for Environment, Human Rights & Development Forum (CEHRDF)
24. Civil Society Coalition on Transport Uganda, East Africa
25. Community Based TB/HIV AIDS Organization (CBTO)
26. Health Action International Asia Pacific
27. INNOVARTE
28. International Treatment Preparedness Coalition (ITPC)-South Asia
29. People's Vaccine Alliance- Asia
30. Public Services International Asia Pacific
31. South Asia Alliance for Poverty Eradication (SAAPE)
32. Tuberculosis Watch
33. West Africa Youth Network for Peace Education and Economic Development (WAYNPEED)

### **National**

34. Abs development organization for women and child, Yemen
35. Access Care Treatment and Support Ghana
36. Access to Rights and Knowledge (ARK) Foundation, India
37. Afrihealth Optonet Association (CSOs Network) (AHOA), Nigeria
38. All India Drug Action Network, India
39. All Nepal Peasant Federation, Nepal
40. Altar Relief Foundation, Ghana
41. Ashanti Regional Youth Network, Ghana
42. Ashwasti, India
43. Asociación por un Acceso Justo al Medicamento, Spain
44. Association pour le respect du droit des populations autochtones, du développement durable et du droit de l'homme (ARPA2DH), Republic of Congo
45. Association For Promotion Sustainable Development, India
46. Association of volunteers for community development, Nigeria
47. Association pour la Conservation et la Protection des Écosystèmes des Lacs et l'Agriculture Durable, Democratic Republic of Congo
48. Bangladesh Nari Progati Sangha, Bangladesh
49. BARAC UK, United Kingdom
50. Bayelsa State Primary Health Care Board, Nigeria
51. Bengal Network of People Living with HIV/AIDS, India
52. Bharatiya Bhatake Vimukt Vikas Va Sanshodhan Sanstha, Satar, India
53. Both ENDS, Netherland
54. Bridges of Hope Kenya, Kenya
55. Cancer Alliance, South Africa
56. Citizens' Health Initiative, Malaysia
57. Coalition of Women Living with HIV and AIDS, Malawi
58. Confederation of Independent Union in the Public Sector, Philippines

59. Contribution à l'Education de Base, Niger
60. Country Women's Association of Nigeria, Nigeria
61. Dalhatu Araf specialist hospital Lafia Nasarawa state, Nigeria
62. Dandora community Aids support Association (DACASA), Kenya
63. Delhi Network of Positive People (DNP+), India
64. Delta Cultural Initiative DCI -Worldwide, Nigeria
65. Disability Peoples Forum Uganda
66. Drug Action Forum-Karnataka, India
67. Ebo Centre for Community Empowerment & Sustainable Development, Nigeria
68. Edet Amana Foundation (EDAF), Nigeria
69. Foundation for Community Empowerment Initiative, Nigeria
70. Force Juvénile pour un Avenir Rassurant, Benin
71. Foundation For Social Transformation, India
72. Foundation For Sustainable Development And Climate Action (FSDCA), India
73. Freedom from Debt Coalition, Philippines
74. Frente Nacional por la Salud de los Pueblos del Ecuador
75. FTA Watch, Thailand
76. Fundacion Arcoiris por el respeto a la diversidad sexual, Mexico
77. Fundacion IFARMA, Colombia
78. Fundacion para estudio e investigacion de la Mujer, Argentina
79. Fundamental Human Rights Rural Development Association, Pakistan
80. Future Enactment Initiative Liberia, Liberia
81. Global Alliance for Human Rights, India
82. Global Care For Health Support Initiative, Nigeria
83. Global Humanitarian Progress Corp, Colombia
84. Global Justice Now, United Kingdom
85. Good Neighbors International (GNI) Nepal
86. Governance Links Tanzania
87. Gramya Resource Centre for Women, India
88. Green Vision for Community Development Initiative, Nigeria
89. Grupo de Trabalho sobre Propriedade Intelectual, Brazil
90. Gujarat State Network Of People Living With HIV/AIDS, India
91. Health Care Community of Positive People, Ambajogai, India
92. Health Equity Initiatives, Malaysia
93. Health Justice Initiative, South Africa
94. Hopeful Women Initiative, Nigeria
95. Human Rights Research Documentation Centre (HURIC), Uganda
96. Ibn Sina Academy of Medieval Medicine and Sciences, India
97. Indonesia AIDS Coalition, Indonesia
98. Indonesia for Global Justice (IGJ), Indonesia
99. Initiative for Medicines, Access & Knowledge (I-MAK), United States of America
100. Initiative for Social and Economic Rights (ISER), Uganda
101. Institute of Social Research and sustainable Development, India
102. International centre for humanitarian action networking and grassroots empowerment, Ivory Coast
103. International community of women living with and Affected by HIV and AIDS Kenya Chapter (ICWK), Kenya
104. IT For Change, India
105. Jan Swasthya Abhiyan (PHM-India), India
106. JEJAKA, Malaysia
107. Just Treatment, United Kingdom
108. Kalingalinga Health Center, Chest Clinic, TB section, Zambia
109. Kamukunji Paralegal Trust (KAPLET), Republic of Kenya
110. Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN), Kenya
111. Kerala Sastra Sahitya Parishad: Science for Social Revolution! (KSSP), India

112. Khmer National Liberation Front
113. Khulumani Support Group, South Africa
114. Kikandwa Environmental Association, Uganda
115. Labor Education and Research Network (LEARN), Philippines
116. Ladder for rural development, Malawi
117. Lawyers Collective, India
118. Lhak-Sam, a Bhutan Network of People Living with HIV and AIDS, Bhutan
119. Life care society for underprivileged, India
120. Link Africa Knowledge, Nigeria
121. McGharbins Network, Ghana
122. Malaysian Women's Action for Tobacco Control and Health (MyWATCH), Malaysia
123. Manipur Network of Positive People (MNP+), India
124. Meghalaya State Network of Positive People living with HIV, India
125. Michael Adedotun Oke Foundation (GFAR), Nigeria
126. Michael and Francisca Foundation, Nigeria
127. Misión Salud, Colombia
128. Mizoram State Network of Positive People, India
129. MOD Public Health Foundation Graduate Public Health, Development and Strategic Studies Centre (GPHDSC), Uganda
130. Most At Risk Populations' Society in Uganda (MARPS In Uganda), Uganda
131. National TB Network, Nepal
132. National Coalition of People Living with HIV in India (NCPI), India
133. National Fisheries Solidarity Movement, Sri Lanka
134. National Organization of Peer Educators, Kenya
135. National Union of Workers in Hotel, Restaurant and Allied Industries, Philippines
136. Network in Thane by people living with HIV/AIDS (NTP+), India
137. Network Lobby for Catholic Social Justice, United States of America
138. Network of Ahmednagar district by people living with HIV/AIDS, India
139. Network of Buldhana by people living with HIV, India
140. Network of Hingoli by people living with HIV, India
141. Network of Maharashtra by People Living with HIV (NMP+), India
142. Network of Naga people living with HIV/AIDS, India
143. Network of TB Champions Kenya, Kenya
144. Network for Positive People in Trichy (NPT), India
145. New Generational Destiny Initiatives, Nigeria
146. Nigerian Red Cross Society (N.R.C.S.) Zamfara state branch, Nigeria
147. Nkoko Iju Africa, Kenya
148. North East Regional Network of People Living with HIV, India
149. Nwankwo Akubiro Leadership & Development Foundation, Nigeria
150. Observatoire de la Transparence dans les Politiques du médicament, France
151. Observatorio de Género y Equidad, Chile
152. One Billion Rising, India
153. Operation Young Vote, Zambia
154. Organisation Congo Prévention Secours (OCPS), Congo
155. Pakistan Fisher folk Forum, Pakistan
156. Pamoja TB Group, Kenya
157. Parti Sosial Malaysia, Malaysia
158. People's Health Movement Uganda Chapter, Uganda
159. Persatuan Pergerakan Pengguna, Malaysia
160. Persatuan WeCareJourney, Malaysia
161. Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA), Haïti
162. Positive Malaysian Treatment Access & Advocacy Group, Malaysia
163. Prime Initiative for Community Development and Fiscal Transparency, Nigeria
164. Privartan Foundation, India
165. Project on Organizing, Development, Education, and Research (PODER), Mexico

166. Public Citizen, United States of America
167. Public Eye, Switzerland
168. Red de Acceso a Medicamentos de Guatemala
169. RED Internacional en Salud Colectiva y Salud Intercultural, Mexico
170. Rescue Health Initiative Africa, Nigeria
171. Réseau québécois pour une mondialisation inclusive (RQMI) Canada
172. SAF-TESO, Uganda
173. Salud por Derecho, Spain
174. Sankalp Rehabilitation Trust, India
175. Save the Climate, Democratic Republic of Congo
176. SENTRO Labor Center, Philippines
177. Social Development Through Community Action, Kenya
178. Social Watch Philippines
179. Society for Conservation and Sustainability of Energy and Environment in Nigeria (SOCSEEN), Nigeria
180. Solidaritas Perempuan, Indonesia
181. Solidarité Internationale Pour l'Afrique, Mali
182. South African Medical Research Council (SAMRC), HIV and other Infectious Diseases Research Unit, South Africa
183. Southern and East African Trade & Negotiations Institute - South Africa,
184. Spring of Hope Global Initiative, Nigeria
185. Students for Global Health, United Kingdom
186. Sunray Harvesters, India
187. Suruwat -Friends of Change, Nepal
188. Tanzania Network of Women Living with HIV, Tanzania
189. Tax and Fiscal Justice Alliance, Nepal
190. Telugu Network of people Living with HIV/AIDS, India
191. Thai Network of People Living with HIV/AIDS, Thailand
192. Uganda Land owner's Association, Uganda
193. Uganda Network of AIDS Service Organisations (UNASO), Uganda
194. Uttar Pradesh welfare for people living with HIV/AIDS Society, India
195. Vietnam Network of People living with HIV, Vietnam
196. Virtues Club, Nigeria
197. War on Want, United Kingdom
198. We Care Journey, Malaysia
199. WomanHealth Philippines
200. Women and Children Advocacy Network, Nigeria
201. Women for Decency Int'l Outreach, Nigeria
202. Women for Equal Chances-Congo, Democratic Republic of Congo
203. Womens Probono Initiative, Uganda
204. Wote Youth Development Projects CBO, Kenya
205. Youth Foundation of Bangladesh
206. Yrg care, India
207. Zimbabwe community Competence Trust, Zimbabwe
208. Zimbabwe Evidence Informed Policy Network, Zimbabwe