

**GE AFRICA**

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May 23, 2012

Hon. Prof. Peter Anyang' Nyong'o, EGH, MP  
Minister for Medical Services  
Afya House, Cathedral Road,  
P.O. Box: 30016-00100,  
Nairobi, Kenya.

Dear Hon. Prof. Anyang' Nyong'o,

**RE: INTELLECTUAL PROPERTY RELATED ASPECTS OF POSSIBLE WHO TREATY GOVERNING BIOMEDICAL R&D**

As you know, the World Health Organization is holding its ministerial-level World Health Assembly (WHA) in Geneva this week. We understand that pending before the WHA is a proposal by the Government of Kenya to commence negotiations to create a global treaty on R&D.

As a leader in global innovation in the field of transformational health technology, GE is one of many innovator companies that believe that an R&D treaty will not be an effective instrument to bring about timely development of new medicines and technologies to combat disease in the developing world. In fact, many of the proposals relating to the R&D treaty concept will, in our view, adversely affect the current system of intellectual property (IP) protections and incentives for innovators and thus impede the development of badly needed new health products and technologies for developing countries. IP directly benefits developing countries now more than ever as products and technologies are being both developed for use and often engineered in developing countries via public-private partnerships.

From a practical standpoint, we are aware that Kenya's efforts at the WHA are very likely to be opposed by a wide variety of Member States that do not believe a multi-year R&D treaty negotiation is a viable way to improve health outcomes in the developing world. If this is the case, the likelihood of such a global legal instrument achieving the avowed goals is low—indeed it may delay the development of relationships and technologies that are crucial to the goal of making quality health care and treatment more available.

GE Healthcare has a long tradition of partnership and shared commitment with many stake holders in Kenya to create better health for more people. This has been achieved through the sharing of imaginative ideas, proven solutions, and innovations in healthcare technology that increase access and reduce the long-term cost of healthcare. We are also proud of the progress made in Kenya and other African countries through our Developing Health Globally™ program, focused on improving primary healthcare for some of Africa's most vulnerable populations. The program allows GE to partner with national Ministries of Health to upgrade hospitals and health centers and to boost clinical and technical capacity to ensure sustained improvement in healthcare delivery.



We believe that cooperative partnerships such as these are a better route to improving healthcare access and outcomes in Kenya and other countries because they build on mutual understanding and shared goals that encompass the concerns of all stakeholders. We would hope that a constructive alternative to a treaty negotiation at the WHA could be obtained in the coming days.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nils Tcheyan'.

**Nils Tcheyan**  
**Director, Government Affairs and Policy**

- cc. Hon. Samwel Kazungu Kambi, Assistant Minister, Ministry of Medical Services
- Ms Mary Wairimu Ngari, CBS, Permanent Secretary, Ministry of Medical Services
- H.E. Dr. Tom Mboya Okeyo, Ambassador/Permanent Representative, Permanent Mission of the Republic of Kenya to the United Nations Office in Geneva