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United States Senate

WASHINGTON, DC 20510 - 3505

October 14, 2015

Ambassador Michael Froman
United States Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Ambassador Froman:

This week the Council for the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) will meet to evaluate a request by least developed countries (LDCs) to permanently extend their waiver to enforce intellectual property rights on pharmaceutical products for as long as they are LDCs. I urge you to support this request and to reject any effort to require these severely impoverished nations to implement the TRIPS intellectual property requirements for pharmaceutical products by a certain date.

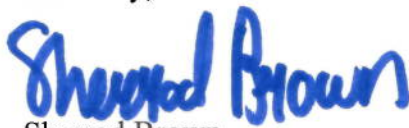
The 48 countries classified by the United Nations (UN) as LDCs are the poorest countries in the world and face major obstacles in feeding, housing, educating, and addressing the medical needs of their populations. It is due to these sizeable challenges that the TRIPS agreement specifically acknowledges the need for LDCs to have "maximum flexibility in the domestic implementation of [intellectual property] laws and regulations." In 2001 the WTO reiterated the special considerations to be given to LDCs and extended the length of time they had to come into compliance with the pharmaceutical provisions of TRIPS, "without prejudice to the right of least-developed country Members to seek other extensions of the transition periods."

As a result of the extension regarding pharmaceutical obligations, LDCs have been able to afford HIV treatments and have increased access to those treatments. According to UNAIDS, the percentage of HIV positive individuals who are not receiving the treatments has dropped worldwide from 90 percent in 2006 to 63 percent in 2013. Other medicines, such as those for hepatitis C, need additional time of increased competition to bring prices down to affordable levels.

Rejecting a permanent extension of the LDC waiver and setting a compliance date is impractical. Until a country has graduated from the LDC designation, meeting the TRIPS pharmaceutical requirements will limit its ability to address basic medical needs for its citizens and hinder efforts to lift them out of poverty. Tying the requirements to the LDC classification is in and of itself establishing a timeline by which a country must meet the pharmaceutical intellectual property standards. Therefore, the best way to ensure intellectual property rights for pharmaceutical products are enforced is to help the LDCs transition to more economically developed countries.

The European Commission has already expressed support for a permanent waiver for the LDCs, and I urge USTR to take the same position. Thank you for your consideration of this request. I look forward to working with you to promote access to affordable medicines around the world.

Sincerely,

A handwritten signature in blue ink that reads "Sherrod Brown". The signature is written in a cursive, slightly slanted style.

Sherrod Brown
United States Senator