

United States Senate

WASHINGTON, DC 20510

March 20, 2007

The Honorable Susan F. Schwab
United States Trade Representative
600 17th Street, Northwest
Washington, D.C. 20508

Dear Ambassador Schwab,

We write to express concern about plans of the Royal Thai Government to significantly expand its program of compulsory licensing of innovative U.S. pharmaceutical products.

In November 2006, the Thai Ministry of Public Health began to seek compulsory licenses for pharmaceutical products developed by U.S. companies. Recent actions by the Thai Ministry of Public Health demonstrate its intent to expand this compulsory licensing program to include nearly a dozen medications to treat high cholesterol and other conditions wholly unrelated to any urgent public health issue.

We strongly support WTO rules that recognize the rights of countries to consider actions, including compulsory licensing, to address urgent public health needs, such as those resulting from HIV/AIDS, tuberculosis, malaria and other pandemics. But we do not believe that WTO members intended those rules to be used to allow compulsory licenses on any medicine whatsoever as a matter of standard government policy, especially without any meaningful prior consultation with the patent holders.

Strong protection for intellectual property rights is critical for America's innovative economy. Thailand's actions appear to constitute a governmental policy to expropriate patents on all manner of innovative medicines not used to address urgent public health needs. That will harm the U.S. research-based industry that supports more than two million workers. Without a strong response by the U.S. government, we are concerned that respect for intellectual property rights worldwide will diminish.

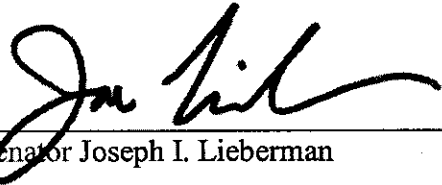
We believe such policies could also have harmful consequences for patients. In bypassing the current legal suppliers of these products, Thailand is taking risks with both the safety and dependability of the drug supply. Moreover, Thailand's actions raise grave concerns about the investment climate in Thailand.

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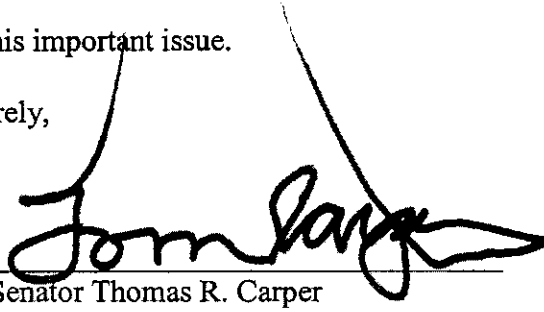
We ask you to encourage the Royal Thai Government to consult with our innovative companies to achieve a positive outcome, which ensures a continued focus on improving the health of Thai patients and preserves strong intellectual property protection.

Thank you for your consideration of this important issue.

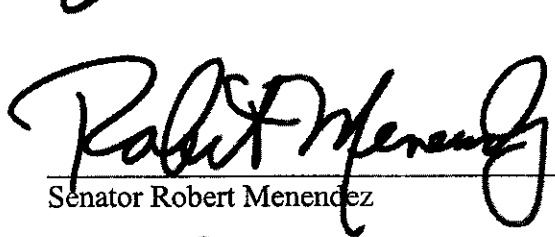
Sincerely,



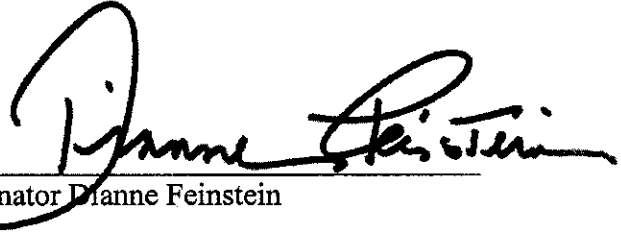
Senator Joseph I. Lieberman



Senator Thomas R. Carper



Senator Robert Menendez



Senator Dianne Feinstein



Senator Frank Lautenberg