

Her Excellency Michelle Bachelet Jeria
President of the Republic of Chile
Palacio de la Moneda
Morandé 130
Santiago
Chile

Dr. Carmen Castillo Taucher
Minister of Health
Ministry of Health
Santiago
Chile

6 December, 2017

Dear Madame President:

We write to you to express our support for Chile issuing the compulsory licenses for patents on HCV and prostate cancer medicines as requested by civil society organizations led by Innovarte and Fundación Nuevo Renacer, patients, and elected officials in March 2017.

Compulsory licenses are an established and important tool to increase access to affordable medicines where sovereign law permits, such as Article 51 of the Chilean Industrial Property Law, and as supported by Article 31 of the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and virtually every subsequent trade agreement since. The Doha Declaration on the TRIPS Agreement and Public Health further affirmed the TRIPS Agreement should be "interpreted and implemented in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicines for all," and that "Each Member has the right to grant compulsory licences and the freedom to determine the grounds upon which such licences are granted."

In September 2016, the United Nations Secretary-General's High-Level Panel on Access to Medicines (HLP) released a comprehensive report consisting of many recommendations, seeking solutions to remedy the "policy coherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies."¹ Among the report's recommendations was a clear statement that "[g]overnments should adopt and implement legislation that facilitates the issuance of compulsory licenses."² The HLP went further, with stern language against coercive behavior by parties to dissuade governments from making use of TRIPS flexibilities, and explicitly recommending that any such behavior be reported to the WTO.

¹ Report of the United Nations Secretary-General's High-Level Panel on Access to Medicines, p.7.

² *Id.*, p. 9.

Chile should feel empowered to act in accordance with the best interests and needs of the health of its citizens. Health budget constraints are finite, and Chile cannot stand by doing nothing while patients suffer. We trust that your leadership in supporting human rights and the welfare of your people will lead your decision in this matter.

Sincerely,

Organizations

ABIA (Associação Brasileira Interdisciplinar de AIDS), Brazil
Acción Internacional para la Salud- Perú
ARK (Access to Rights and Knowledge) Foundation, Nagaland India
Campaign for Affordable Trastuzumab, India
Canadian HIV/AIDS Legal Network
Coalition PLUS
Delhi Network of Positive People (DNP+), India
Fundación Grupo Efecto Positivo de Argentina
Fundación IFARMA, Colombia
Gestos – soropositividade, comunicação e gênero, Brazil
GIV (Grupo de Incentivo a Vida), Brazil
GRAB (Grupo de Resistência Asa Branca), Brazil
GTPI/REBRIP (Grupo de Trabalho sobre Propriedade Intelectual da Rede Brasileira de Integração dos Povos), Brazil
Health Action International
Health GAP (Global Access Project), United States
Hepatitis Coalition of Nagaland, India
International Treatment Preparedness Coalition, Latin America and The Caribbean
International Treatment Preparedness Coalition, South Asia
Knowledge Ecology International
Mesa de Organizaciones con trabajo en VIH&SIDA Colombia
Misión Salud, Colombia
ONG Saludos, Chile
Oxfam
Public Citizen, United States
RedLAM (Red Latinoamericana por el Acceso a Medicamentos)
Sankalp Rehabilitation Trust, Mumbai, India
STOPAIDS, UK
Treatment Action Group, United States
Union for Affordable Cancer Treatment

Individuals

Luis Gil Abinader, Researcher, Latin American Faculty of Social Sciences (FLACSO), Argentina

Luz Marina Umbasia Bernal, Colombia

Cintia Dantas, Brazil

Alma De Leon, Guatemala

Gaëlle Krikorian, Sociologist, IRIS/Inserm, France

Juan Pablo Morales, Chile

Gracia Violeta Ross Quiroga, Bolivia

Fifa Rahman, Postgraduate Researcher, Access to Medicines, Intellectual Property, and International Trade, University of Leeds

Francisco Rossi, Colombia

Andrea Carolina Reyes Rojas, Colombia

Marcela Fogaça Vieira, advogada especialista em propriedade intelectual e direitos humanos, mestre em saúde pública, Brasil.

Pedro Villardi, PhD candidate in Public Health and masters in Public Health and Bioethics, Institute of Social Medicine of the University of State of Rio de Janeiro (IMS/UERJ)

Germán Holguín Zamorano, Colombia