



29 July 2011

Ambassador Ron Kirk
Office of the United States Trade Representative
600 17th Street NW, Washington, DC 20508
Via fax +1.202.395.4549

Dear Ambassador Kirk:

We are writing to request a meeting with you to discuss the announcement on page 21 of this year's Special 301 Report that USTR will consider bringing WTO dispute resolutions cases against Least Developed Countries (LDCs) for patent and data protection for pharmaceutical products:

“LDC members have until 2016 to implement their TRIPS Agreement obligations for patent and data protection for pharmaceutical products, as proposed by the United States at the Doha Ministerial Conference of the WTO. The United States looks forward to the successful completion of this transition. The United States will continue to work with WTO members and expects further progress in the near term towards completing their TRIPS Agreement implementation process. However, in those instances in which additional progress is not achieved, the United States will consider alternative means of encouraging implementation, including the possibility of recourse to WTO dispute settlement.”

The UN describes LDCs as the “poorest and weakest” countries on earth. Consider the following:

- In the Western Hemisphere, only Haiti qualifies as an LDC.
- Only the poorest and weakest countries in Sub-Saharan Africa qualify as LDC countries.
- In 2009, the 48 countries the UN designed as Least Developed had a combined population of 837 million, and an average per capita income of \$639, just 1.7 percent of the average in high income countries.
- UNAIDS estimates that 9.2 million persons are living with HIV in LDC countries.

We respectfully request that USTR reconsider this policy, and support the proposal by the UK government to extend the LDC exception for pharmaceutical products beyond 2016.

Sincerely,

James Love, Knowledge Ecology International
Judith Rius, Doctors Without Borders/Médecins Sans Frontières
Robert Weissman, Public Citizen
Rohit Malpani, Oxfam America