

Headline	US pushing for data exclusivity via IP		
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US pushing for data exclusivity via IP

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PETALING JAYA: The United States (US) is expected to bulldoze its way through the intellectual property (IP) chapter of the Trans-Pacific Partnership Agreement (TPPA) which will restrict medicines to other member countries. Anti-TPPA coalition, Bantah TPPA today said the leak by whistleblower WikiLeaks on the IP chapter confirmed that it is the US which is pushing for extreme IP protection provisions to be enshrined in the laws of TPPA countries. "The US' demands are quite clear. With its demands, the US will trample on the human rights of millions of people in Malaysia and hundreds of millions in Asia Pacific," said Malay Economic Action Council (MTEM) chief executive officer Mohd Nizam Mahshar. He added that the leak came as a shock because non-governmental organisations (NGO) which participated in the TPPA discussions held in Kota Kinabalu in July were told that the IP was not one of the chapters in the agreement. "We were told that there was no text on the IP on the table," he said adding that if the US got their way, millions of people will be deprived of their basic human right to affordable healthcare, educational materials, access to the internet and communication technology. He hoped that with the recent leak, it will be the beginning of the end for the agreement. On Wednesday, whistleblower WikiLeaks published the draft of the agreement online. The 95-page chapter on copyright, patents and other intellectual property issues contains annotations detailing each country's negotiating positions, as opposed to previous leaks. Other countries which opposed the IP chapter include New Zealand, Canada, Singapore and Chile. US will have data exclusivity. Meanwhile, acknowledging how Malaysian negotiators on the IP chapter have opposed many of the terms in the chapter, Malaysian AIDS Council policy manager Fifa Rahman said: "We can see how our negotiators have been trying really hard to protect the health of the people." She was alluding to previous Health Minister Liow Tiong Lai who was strict with regard to access to medicine. "When a patent is granted, medicine is going to be expensive and patents would be longer. "Malaysia has one of the priciest medicines, if the US bulldozes this through, prices will continue to rise," said Fifa. Although admitting US strength, she said it was important for negotiators to not give up hope. Fifa also noted that the IP chapter makes it uncertain whether governments have the ability to issue compulsory licenses for the supply of essential medicines. "In emergency situations if we were to have an outbreak of a dangerous disease and cannot provide enough medicine, the country can issue compulsory licenses to bring in cheap generic medicines from countries like India. "However, because medicine is tied to data exclusivity, we will see people dropping dead because US owns the data exclusivity on medicine," she said. Fifa also suspected that the next round of negotiations which will be held next week in Salt Lake City, Utah, will be the full round. The TPPA is a multi-lateral trade agreement that the US – the leading negotiator in the talks – hopes will serve its role in developing a broader platform for trade liberalisation particularly throughout the Asia-Pacific region. Malaysia is currently negotiating with 11 other countries comprising Australia, Brunei, Canada, Chile, Mexico, New Zealand, Peru, Singapore, the US, Vietnam and

J a p a n t o c o n c l u d e t h e T P P A .