

เครือข่ายผู้ติดเชื้อเอชไอวี/เอดส์ประเทศไทย
Thai Network for People Living with HIV/AIDS
1051 Charansanitwong 45 Bangplad, Bangkok, Thailand.
Tel.(662)8830223 Fax.(662)4347578

Bangkok, 17 January 2000

Mr. William Clinton,
President of the United States of America

Dear Mr. President,

We the undersigned are a group of NGOs. PHA (People Living with HIV/AIDS) activists and members of the Thai medical and legal communities who are working together to improve access to treatment and care for 1 million HIV positive Thai citizens.

We are working on many fronts: to reduce discrimination, improve social and psychological support, care for children affected by HIV/AIDS, monitor legal, labour and human rights abuses of PHA, prevent further spread of HIV in vulnerable populations, improve medical management of people with AIDS and increase access to drugs necessary for the well-being of people with HIV/AIDS.

Currently a key issue for our group is the cost of anti retro viral drugs (ARV) here in Thailand that places such therapies well out of the reach of most Thai PHAs. The research and development cost of several of these ARVs was paid for by the U.S. government (N.I.H.) after which exclusive marketing rights were given to U.S. based multi-national pharmaceutical companies.

A case in point is that of ddI (Didanosine) which was developed and patented by the U.S. National Institute of Health. Bristol Myers Squibb was granted an exclusive license to market ddI under the trade name VIDEX. While the NIH has no patent on the original compound in Thailand, Bristol Myers Squibb obtained a patent on its particular formulation. This patent now prevents the production of generic ddI in Thailand. Our group is therefore asking the Thai Ministry of Public Health to apply compulsory license to allow generic production of ddI.

The Thai government appears unwilling to make any move on compulsory licensing for fear of creating a U.S. trade backlash with threats of trade sanctions. Such U.S. trade sanctions seems to have been successfully used in the past to force Thailand to comply with United States Trade Representatives requests.

We respectfully request that your government issue a clear statement of assurance that the U.S. Trade Representatives office will take no punitive action against the Thai Government in the event of them issuing a TRIPS compliant compulsory license for the local production of ddI.

Yours faithfully,

Mr.Paisan Tan-ud
Chairmen of PHA Network of Thailand (TNP+)

On behalf of AIDS Access Foundation, ALDEN House, Central NGO Coalition on AIDS, Center for Labor Information Service and Training (CLIST), The Church of Christ in Thailand AIDS Ministry (CAM), Empower Foundation, Foundation for Consumers, Medicis Sans Frontieres, Naam Chewit, Northern NGO Coalition on AIDS, Northeastern NGO Coalition on AIDS, Pirabkiao Group, Human Rights on AIDS Protection Centre, Power of Life, Program for Appropriate Technology in Health (PATH/Thailand), Risk Thai Foundation, Sam-Care, Thai NGO Coalition on AIDS, Rural Doctor Association, Rural Pharmacist Association, NGO-DOD

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE
WASHINGTON, D.C. 20508

Jan.27, 2000.

Mr. Paisan Tan-Ud
Chairman of PHA Network of Thailand

Dear Mr. Paisan Tan-Ud:

I am writing in response to your letter to President Clinton regarding efforts to improve access to treatment and care for HIV positive Thai citizens.

We recognize and support the Government of Thailand's goal of extending effective health care to all citizens including people now living with HIV/AIDS. This is a goal we fully endorse and believe can be achieved while providing appropriate protections for intellectual property. As the president announced last December in his speech to the WTO ministerial, and the Vice President reiterated in his January speech at the United Nations Security Council, the United States is committed to helping developing countries gain access to affordable medicines, including those for HIV/AIDS. As a result, the United States will ensure the application of U.S. trade law related to intellectual property remains sufficiently flexible to respond to public health crises.

We encourage Thai officials to explore all options for extending access to effective treatments, including ongoing direct dialogue with pharmaceutical manufacturers. But the final choice is one for Thailand to make.

If the Thai government determines that issuing a compulsory license is required to address its health care crisis, the United States will raise no objection, provided the compulsory license is issued in a manner fully consistent with the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs).

We share with the Government of Thailand a belief that access to modern pharmaceuticals can be enhanced in a manner that assures the safety and efficacy of the drugs, preserves intellectual property rights, and promotes the worldwide pursuit of newer, more effective medicines.

Sincerely,

Joseph S. Papovich
Assistant U.S. Trade Representative for
Services, Investment and Intellectual Property

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