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News

Charity campaigns for drug companies to pool patents for newer HIV drugs

Susan Mayor

¹ London

The international medical aid organisation Médecins Sans Frontières (MSF) is calling on nine of the world's largest drug companies to pool their patents on newer HIV drugs and to make them available in developing countries.

The campaign is inviting the companies, which include Abbott Laboratories, GlaxoSmithKline, and Pfizer, to place the patents for a list of HIV drugs into a patent pool recently set up by Unitaid, an international agency that partners with organisations including the World Health Organization and UNAIDS to purchase drugs for developing countries.

The concept of a patent pool is that it brings together several patents held by different companies and makes them available to others for production or further development. MSF describes the idea as a "one stop shop" for patents, which companies and researchers can access in exchange for royalty payments that go back to the individual companies.

Michelle Childs, director of policy and advocacy at MSF's campaign for access to essential medicines, said, "It's a simple idea: companies share their knowledge in return for fair royalty payments."

MSF says that this would help tackle some of the gaps in HIV treatment in developing countries by facilitating production of cheaper, generic versions of newer HIV drugs and enabling development of paediatric formulations. Having the patents held in one place would also make it simpler to develop combination drugs. A company that wanted to develop a new combination of several drugs would need to deal only with the pool rather than with the different companies that make each of the drugs.

"This is an opportunity for these drug companies to demonstrate that they are genuinely committed to effective measures that allow access to life saving medicines for people with HIV in developing countries," explained Ms Childs. "Some companies have expressed interest in the idea, but we need them to go further and put key patents in the pool."

Stephen Rea, a spokesperson for GlaxoSmithKline, London, said that the company has been in discussions with Unitaid about the pool for several months. "In principle, we haven't ruled anything out but we want to see more detailed proposals about how the scheme would work and how placing patents in a pool would stimulate research in HIV," he said.

He noted that GlaxoSmithKline already has a patent pool for neglected tropical diseases, including malaria, dengue fever, and encephalitis. "We have put all our patents for relevant drugs into the pool so people can access them. The only requirement is that people use the drugs in efforts to target these diseases.

"So we have already broken the holy grail of the intellectual property code in order to stimulate research," he said. He added that GlaxoSmithKline has already offered to give patents for three of the HIV drugs listed in the MSF campaign (lamivudine, abacavir, and fosamprenavir) to generic manufacturers to produce, with no royalty fee, as long as they meet the required quality standards.

MSF argues that a patent pool would simplify the provision of cheaper HIV drugs. Ms Childs said, "A patent pool provides a global solution, rather than having a compulsory or voluntary licence in each country, as happens at the

moment." Individual licensing of **drugs** by **drug** companies does not enable the development of the fixed dose combinations that MSF **considers** are needed, and it is not as streamlined a process for generic manufacturers wanting to produce **drugs**.

Eric Goemaere, medical coordinator for MSF in South Africa, explained why access is needed to newer HIV **drugs** in developed countries: "Many patients in our programmes have developed **resistance** to their medicines and need to switch to newer more effective **drugs** now. Because these are either unavailable or unaffordable, patients face a return to **AIDS** death row as treatment **options** dry up."

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