

WORLD HEALTH ORGANIZATION

Executive Board
117th Session
Agenda item 4.10

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Global framework on essential health research and development
(Draft Resolution proposed by Brazil and Kenya)

The Executive Board,

Having considered current developments regarding access to medicines and the need to develop urgently develop new medicines and other health care technologies;

Noting the useful work being done by the WHO Commission on Intellectual Property Rights, Innovation and Public Health,

RECOMMENDS to the Fifty-ninth World Health Assembly the adoption of the following resolution:

The Fifty-ninth World Health Assembly,

Recalling Resolutions WHA52.19, WHA53.14, WHA54.10, WHA56.27, and WHA57.14;

Considering the paucity of safe, adapted and affordable new medicines developed for such communicable diseases as Aids, malaria and tuberculosis, and the lack of medicines, vaccines and diagnostics for tropical diseases or other illnesses that primarily affect the world's poorest people;

Recognizing the importance of providing support the development of treatments for diseases that have small client populations;

Concerned about the need for appropriate, effective and safe health tools for patients living in resource-poor settings;

Mindful that more than 70 % of new drug approvals are for medicines that do not provide incremental benefits over existing ones;

Considering the urgency of developing new medicines to address emerging health threats such as multidrug-resistant tuberculosis TB, and other poverty-related and infectious diseases;

Aware that funding for research and development for new vaccines for AIDS and other illnesses is insufficient;

Recognizing the importance of global public undertakings such as the Human Genome Project, and the increasing relevance of open and accessible public research in advancing science and the transfer of technology;

Further aware of the promise of new, open models for the development of medical science, enhanced participation in, and access to, scientific advances, and increased knowledge;

Recognizing the importance of public/private partnerships devoted to the development of new essential drugs and research tools, but concerned about the need for governments to set a needs-based

priority agenda for health, and to provide political support and sustainable sources of funding for such initiatives;

Recognizing the importance of public and private investment in the development of new medical technologies;

Considering that a number of developing countries have been strengthening their capacity in new health technologies, and that their role will be increasingly critical;

Recognizing that intellectual property rights are one of several important tools to promote innovation, creativity, and the transfer of technology;

Recognizing at the same time the importance of providing for a proper balance between intellectual property rights and the public domain, and the need to implement intellectual property rules in a manner that is consistent with the basic human right to health and the promotion of follow-on innovation;

Noting that the UNDP's *Human Development Report 2005* states that "the WTO's Trade Related Intellectual Property Rights (TRIPS) agreement, along with 'TRIPS Plus' variants in regional and bilateral agreements, strikes the wrong balance between the interests of technology holders and the wider public interest";

Taking into account Article 7 of the TRIPS Agreement that points out that "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations";

Stressing that the Universal Declaration of Human Rights recognizes the right to protection of interests resulting from any scientific production balanced by the right to share in scientific advancements and its benefits;

Concerned that it is imperative to reconcile the public interest in accessing new knowledge, with the public interest in stimulating innovation;

Concerned about the impact of high prices of medicine on access to treatment, and the need to implement intellectual property laws in a manner that reconciles incentives for development of new medicines with the need to promote access to all, consistent with paragraphs 4,5 and 7 of the Doha Declaration on TRIPS and Public Health;

Aware of the need for a new global framework to provide adequate and sustainable levels of financial support for patient-driven research, and including in particular for priority medical research;

Bearing in mind a call from 162 scientists, public health experts, law professors, economists, government officials, members of parliament, non-government organizations and others calling for an evaluation of proposals for a new global framework on medical research and development;

Considering the global appeal on research and development for neglected diseases launched on 8 June 2005 with the support of 18 Nobel Laureates, and over 2500 scientists and health experts, academics, nongovernmental organizations, public research institutes, governments officials and members of parliament, calling for new policy rules to stimulate essential health R&D, especially for the most neglected patients;

Aware of the need to promote new thinking in the mechanisms that support innovation;

Recognizing the importance of strengthening capacity of local public institutions and businesses in developing countries to contribute to, and participate in, research and development efforts,

1. URGES Member States:

(1) to make global health and medicines a strategic sector and take determined action to direct priorities in research and development according to the needs of the patients, especially those in resource-poor settings, and harness collaborative R&D initiatives involving disease-endemic countries;

(2) to take an active part within the WHO and with other international actors, in the establishment of a framework for defining global health priorities, providing support for essential medical research and development predicated on the principle of equitable sharing of the costs of research and development, and determining incentives to invest in useful research and development in the areas of patients' need and public interest.

(3) to ensure that progress in basic science and biomedicine is translated into improved, safe and affordable health products - drugs, vaccines and diagnostics - to respond to all patients' needs, especially those living in poverty, and that essential medicines are rapidly delivered to people;

2. REQUESTS the Director-General:

(1) to establish a working group of interested Member -States to consider proposals to establish a global framework for supporting needs-driven research, consistent with appropriate public interest issues and taking note of the work of the WHO Commission on Intellectual Property Rights, Innovation and Public Health;

(2) to ensure that bilateral, regional and global free-trade agreements and other trade agreements do not jeopardize the flexibilities of the TRIPS Agreement and are in accordance with the Doha Declaration on TRIPS and Public Health;

(3) to submit a progress report of the working group of interested Member-States to the Sixtieth World Health Assembly (May 2008) and a final report with concrete proposals to the Executive Board at its 121st session (January 2009) and to suggest alternative systems for the protection of intellectual property, with a view to enhance accessibility to new medicines;

(4) to ensure the report of the WHO Commission on Intellectual Property Rights, Innovation and Public Health is included in the agendas of WHO's regional committees in 2006.

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