

# Infojustice Roundup

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Source: Intellectual Property and the Public Interest

Ninth Round of Trans Pacific Partnership Negotiations Underway; New Negotiating Texts Leaked

Officials from the nine countries negotiating the Trans Pacific Partnership (TPP) are meeting this week in Lima, Peru, and will work on the agreement's intellectual property chapter. A new section of the U.S.-proposed intellectual property chapter has been leaked, including subsections requiring patent extensions, linkage and data exclusivity, and outlining the "access window" vaguely described in the September USTR white paper. Another leaked U.S.-proposed text regarding pharmaceutical pricing would require TPP countries to "appropriately recognize the value" of pharmaceutical patents when determining reimbursement levels. The leaked texts, analyses by PIJIP and others, letters from U.S. legislators, and commentary by civil society are available at the infojustice resource page on the TPP <<http://infojustice.org/resource-library/trans-pacific-partnership>> .

Open Access Week

October 24 is the start of the fifth annual Open Access Week held to "celebrate the global movement towards Open Access (OA) to research and scholarship." The week is spearheaded by the Scholarly Publishing and Academic Research Organization and sponsored by the Public Library of Science and Springer Open. There will be events worldwide organized by over 2000 open access advocates. More information is available at: <http://www.openaccessweek.org/>

Joint Letter to World Health Organization Working Group from 55 Civil Society Groups Warns of Confusion Over Meaning of "Counterfeits"

In advance of the upcoming meeting of the World Health Organization Working Group on Substandard/Spurious/Falsified/Falsely-Labeled/Counterfeit (SSFFC) Medical Products, 55 civil society groups have written its Chairperson to highlight concerns with overuse and misuse of the term "counterfeit." The term has

been frequently used to refer to unsafe medical products, resulting in confusion and offering "a convenient route for proponents of an extended IP agenda to press for inappropriate IP enforcement standards in developing countries under the false premise that such standards will deliver quality assured pharmaceuticals to the people." The letter also urges the World Health Organization to disassociate itself from the International Medical Products and Anti-Counterfeiting Taskforce (IMPACT). Click here for more. <<http://infojustice.org/archives/5847>>

#### Four Congressional Democrats Write USTR Ron Kirk on the TPP and Access to Medicines

Representatives Levin, Waxman, McDermott and Conyers have written U.S. Trade Representative Ron Kirk to "underscore the importance of upholding the U.S. commitment to advancing an agreement that safeguards access to medicines in the developing world." Specifically, the letter asks USTR not to backtrack from the 2007 "May 10" policy on IP and healthcare - which set limits on certain TRIPS Plus intellectual property provisions relating to data exclusivity, patent extensions and linkage. The letter also warns that "some of the goals and approaches described as part of the new strategic initiative Trade Enhancing Access to Medicines (TEAM) could limit, rather than expand, access to medicines in poor countries." Click here for more.

<<http://infojustice.org/archives/5850>>

#### FFII Seeks Opinion on ACTA from the European Parliament's Civil Liberties Committee

The Foundation for a Free Information Infrastructure (FFII) has written the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, asking it to form an official opinion on ACTA. The letter references the EU Academics letter arguing that ACTA is inconsistent with EU law; the European Parliament International Trade Committee study showing the same and concluding that ACTA would have "no immediate benefit" for EU citizens; and the Greens/EFA Group study highlighting the clash between ACTA and the European Convention on Human Rights and the EU Charter of Fundamental Rights. Click here for more. <<http://infojustice.org/archives/5844>>

## Senator Wyden Writes President Obama on the Need for Congressional Approval of ACTA

On October 13, Senator Wyden released a letter to President Obama challenging USTR's claimed authority to bind the U.S. to ACTA without Congressional consent, based on the assertion that ACTA would not require changes to U.S. law. Wyden's letter states that "It may be possible for the U.S. to implement ACTA or any other trade agreement, once validly entered, without legislation if the agreement requires no change in U.S. law. But, regardless of whether the agreement requires changes in U.S. law, a point that is contested with respect to ACTA, the executive branch lacks the authority to enter a binding international agreement covering issues delegated by the Constitution to Congress' authority, absent Congressional approval." Click here for more.

<http://infojustice.org/archives/5788>

## Proposal for Agreement on the Supply of Knowledge As a Public Good

An IP Watch story describes a panel at the WTO Public Forum last month hosted by Knowledge Ecology International and IQ Sensato, which discussed a proposed "Agreement on the Supply of Knowledge as a Public Good." According to KEI Director James Love, the proposal "combines voluntary offers with binding commitments by governments to increase the supply of heterogeneous public goods. It would be analogous to existing WTO commitments to reducing tariffs, subsidies, or liberalizing services." A draft agreement may be ready by March 2012. Click here for the IP Watch Story. <http://www.ip-watch.org/weblog/2011/10/14/trading-knowledge-as-a-public-good-a-proposal-for-the-wto/>

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