



July 14, 2016

UN High Level Panel on Access to Medicines Members
One United Nations Plaza
New York, NY 10017 USA

Dear Panel Members:

On behalf of the undersigned national and regional biotechnology industry associations representing thousands of innovative companies around the world, we are writing to raise concerns regarding the imminent release of the report by the UN High Level Panel on Access to Medicines. Together, our associations represent thousands of biotech businesses, academic and nonprofit research centers, technology transfer organizations, and other entities dedicated to biotechnological innovation throughout the world. Our increasingly global industry provides breakthrough products and technologies that combat debilitating and rare diseases, reduce our environmental footprint, provide food security, use less and cleaner energy, and drive economic growth.

Our members are strong proponents of successful partnerships towards making medicines available for all who need them. However, the scope of the panel's mission, "to review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies," remains very narrow and fails to look at the numerous factors that affect the ability of populations both in developing countries and developed countries to access medicines. In fact, health innovation, supported by national and international IP systems as well as other enabling policies and conditions, has been a critical factor in improving health outcomes globally. A more nuanced study into the range of factors affecting access to medicines, which include trade barriers, such as tariffs, regulatory inefficiencies; poor health infrastructure (including health education), availability of care, the availability of health insurance, and mechanisms to pay for healthcare among others, will help us better understand and adequately address this issue.

Thus, we strongly urge the Panel to take a broader approach to this issue, rather than keeping only to the rather narrow focus on the intellectual property. Indeed, even within the context of just intellectual property, there is a substantial amount of evidence of a positive connection between strong IP and

access to medicines in developing countries.¹ In an effort to achieve our mutual goal of increasing access to medicines, we request that the UN and global biopharmaceutical industry initiate an ongoing dialogue to discuss concrete steps to address this issue. We would be happy to talk further about setting up these discussions.

Sincerely,

Members of the International Council of Biotech Associations (ICBA)

Africabio – South Africa

ASSOBIOTEC - Italy

Association of Biotech-Led Enterprises (ABLE) - India

Association of German Biotechnology Companies (DIB) - Germany

AusBiotech - Australia

Belgian Association for Bioindustries (BIO.be) - Belgium

BIO Taiwan - Taiwan

BIODEutschland – Germany

BioIndustry Association (BIA) - UK

BIOTECCanada - Canada

Biotechnology Innovation Organization (BIO) - USA

Czech Bio – Czech Republic

EuropaBio - Europe

Finnish BioIndustries (FIB) – Finland

HollandBIO – The Netherlands

Hungarian Biotechnology Association - Hungary

Japan Bioindustry Association (JBA) - Japan

Korea Biotechnology Industry Organization - Korea

Norwegian Bioindustry Association (NBA) - Norway

NZBIO – New Zealand

PeruBiotec - Peru

Portugal's Biotechnology Industry Organization (P-BIO) - Portugal

Spanish Bioindustry Association (ASEBIO) - Spain

Swiss Biotech Association (SBA) - Switzerland

The Greek Initiative on Bioeconomy - Greece

¹ For example see, *American Economic Review* 2016, 106(1): 136–164, “Patents and the Global Diffusion of New Drugs”, By Iain M. Cockburn, Jean O. Lanjouw, and Mark Schankerman