

To: Hon'ble Member of Parliament

We as members of the international community, defending the right to access to treatment for HIV/AIDS and affordable medicines in the developing world, are deeply disappointed by the events of today. India, thus far the leader of the developing world on the issue of patents and affordable medicines, is about to adopt a Patent Act which will deny access to medicines for many and inevitably lead to unnecessary deaths.

A key safeguard to assure availability of affordable medicines is the procedure of compulsory licenses, but the Bill that passed the Lower House (Lok Sabha) today failed to do away with procedures that are extremely complex for the seeker of a licence.

WE DEMAND A SIMPLE PROCEDURE FOR OBTAINING COMPULSORY LICENSES.

The failure to include a ceiling on the levels of royalties to be paid will only lead to endless litigation, delays and, most importantly, the unavailability of medicines when required.

WE DEMAND A FIXED ROYALTY RATE OF 3-4%.

Furthermore, the compulsory licence provision remains impractical for accommodating the needs of people who rely on low-cost medicines on an urgent basis, as they must wait three years before a generic company can even make an application for a right to produce the required drug. Whereas people in wealthy countries will have access to new medicines immediately when they are proved safe and effective, people in poor countries will have to wait years.

WE DEMAND A SWIFT PROCEDURE FOR OBTAINING COMPULSORY LICENSES.

In addition to the above failures, with this Bill the government has crippled the critical right of the members of the public to oppose patent applications on medicines, the so-called "pre-grant opposition". It has been rendered ineffective because the essential information on which to base the opposition will be withheld from the public.

WE DEMAND OUR RIGHT TO ACCESS INFORMATION FOR PRE-GRANT OPPOSITION.

Thank you very much. We are counting on India as the leader of the developing world to save millions of lives.

Sincerely,