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Finance Spotlight

Press Release

Source: Institute for Trade, Standards, and Sustainable Development

ITSSD: Brazil Will Break International Law with Theft of U.S. Drug Patents
Thursday June 16, 1:00 pm ET

White Paper Finds That **Brazil** Patent Seizure Threatens Global Trade and Public Health

WASHINGTON, June 16 /PRNewswire/ -- With a number of other non-profit groups, **ITSSD** is calling attention to **Brazil's** threat to break U.S. patents on American AIDS drugs used as part of **Brazil's** government-funded treatment program. After reviewing the initial official statements coming out of **Brazil**, **ITSSD** concluded that **Brazil** would be in violation of the Trade Related Aspects of Intellectual Property or TRIPS Treaty, if it pursues this course of action.

It is questionable if **Brazil's** government could invoke the "health emergency" clause of the Doha Declaration amendment to the TRIPS Treaty, allowing developing countries to temporarily suspend patents on products needed to alleviate a legitimate health crisis. Examples of such emergency often include response to an anthrax attack in the U.S. or a sudden outbreak of a treatable disease in Sub-Saharan Africa. **Brazil's** AIDS infection rate of 0.6% has parity with that of the United States at 0.5%. For comparison, the AIDS infection rate in Swaziland is 38.6% according to the impoverished African nation's Health Ministry.

Brazil is a major United States trade partner, with more than \$35 billion in trade occurring between the two nations each year. At the same time, **Brazil** is

by far the worst abuser of intellectual property rights in the Americas. According to the USTR, piracy losses to American businesses add up to nearly \$1 billion in losses annually.

"**Brazil** is about to contravene a major trade agreement in a thinly veiled effort to bolster its national pharmaceutical industry," said Ambassador Slavi Pachovski, president of the Institute for Trade, Standards, and Sustainable Development. "If **Brazil** is allowed to move forward without penalty, it will send economic and trade repercussions throughout the world and puts the global efforts to fight the AIDS epidemic at risk. **Brazil** cannot be allowed to act in this way."

ITSSD's white paper identified **Brazil** as an emerging global power, with ambitions at a permanent UN Security Council seat and its domestic pharmaceutical industry primed to reap the benefits of years of research and hundreds of millions of dollars in American pharmaceutical research. Widespread coverage of Brazilian President Lula's recent visit to African nations has him discussing future AIDS drug trade programs - a capability the South American country does not yet have.

ITSSD's paper, co-authored by Pachovski and **ITSSD's** CEO, Lawrence Kogan concluded that **Brazil's** threatened patent theft will not only harm fundamental research but would also preclude Brazilian industry from cutting-edge innovations essential to bolstering the country's emerging markets.

Copies of the study can be found at: <http://www.itssd.org/>

The Institute for Trade, Standards, and Sustainable Development (**ITSSD**) is an international legal research foundation established to promote positive paradigm of sustainable development and protect free enterprise and international trade. Founded by former UN Ambassador Slavi Pachovski and **ITSSD** CEO Lawrence Kogan, the Institute examines international law as it relates to trade, industry and sustainable development around the world. For further information, please contact Lawrence Kogan at: (609) 951-2222 or info@itssd.org.

Source: Institute for Trade, Standards, and Sustainable Development

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