

The Delhi Network of Positive People (DNP+)
& International Treatment Preparedness Coalition (ITPC) – South Asia

Open Letter to Takeshi Yagi, Ambassador of Japan to India

**Japan Must Consider the Impact of RCEP on Access to Medicines in Developing Countries
Don't wage war against people living with HIV!**

The eighth round of negotiation for the Regional Comprehensive Economic Partnership¹ (RCEP) trade agreement is taking place in Kyoto, Japan and negotiators are meeting to discuss intellectual property provisions.

That Japan is representing the private interests of pharmaceutical companies in pushing TRIPS-plus intellectual property (IP) provisions in RCEP negotiations is evident.

For anyone looking for proof, one has to look only at Japan's RCEP IP proposal, dated October 4, 2014 and leaked in February 2015², to verify actual demands for diluting safeguards against evergreening of patents, border measures that intend to block trade in legitimate generic medicines, and TRIPS-plus provisions such as data exclusivity and patent term extensions.

RCEP can be compared to the Trans-Pacific Partnership (TPP), except that rather than being driven by the United States; it is being driven by Japan. Its proposal on the IP chapter is turning out as a carbon copy of the TPP – which is on track to become the most harmful trade pact ever for access to medicines in developing countries.

IP provisions in the Japanese proposal go beyond the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement and the domestic laws of many of the countries included in the RCEP negotiations, particularly India, which is a major producer and supplier of essential medicines at affordable prices across the developing world.

Japan has failed to take into account the chilling effect that aggressive IP provisions proposed could have on access to affordable generic medicines, highlighting its indifference to the potential loss of lives in developing countries in the Asian region and beyond.

If IP provisions being pushed by Japanese negotiators are accepted, it could stop the flow of affordable and life-saving medicines to patients in developing countries.

Our experience around the world shows that treatment programs – and our lives – depend on the availability of quality and affordable generic medicines. If Japan does not properly consider the impact that stringent IP provisions will have on patients in the developing world, there is a risk that hard-won gains in the treatment of diseases like HIV/AIDS will be undermined. People are killed not just by weapons but by lack of access to affordable medicines.

The Government of Japan should work to ensure that the RCEP does not impose 'TRIPS-plus' IP standards on developing countries. RCEP must preserve and affirm countries' ability to use legal flexibilities under the TRIPS Agreement and the Doha Declaration on the TRIPS Agreement and Public Health.

We believe that given the significant public interest issues at stake, there is a need for greater transparency from Japan and other negotiating countries in RCEP negotiations. Fast-tracking RCEP negotiations would undermine generic competition from India and cost our government more, all to the benefit of pharmaceutical companies' monopolies and profits.

As people living with HIV, we request that Japan stop pursuing a free trade agreement that threatens our most basic of human rights – the right to life.

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¹ Started in May 2013, the RCEP is being negotiated between the 10 ASEAN (Association of Southeast Asian Nations) countries and Australia, China, India, Japan, New Zealand and South Korea.

² Available: http://keionline.org/sites/default/files/RCEP_WGIP_JP_Revised_Draft_Text_3Oct2014.pdf