

In this month's *Bulletin*

Special theme: Intellectual property rights and public health

Tomris Türmen & Charles Clift introduce the central theme of this issue of the *Bulletin*: what can governments, the private sector and research institutes do to meet the need for medicines, vaccines and diagnostics in developing countries in the absence of a lucrative market for these products. In their editorial (p. 338), Türmen & Clift describe the challenges that WHO's Commission on Intellectual Property Rights, Innovation and Public Health (CIPIH) faced in compiling a report on this subject. The *Bulletin* expands the focus on drugs to cover other aspects that are key for public health, including: genomics, ethics, human rights and copyright. In another editorial (p. 340), Anatole Krattiger & Richard T. Mahoney examine how intellectual property has become a key public health topic.

Intellectual property rights report

Several articles are devoted to the CIPIH report, published on 3 April 2006: *Public health, innovation and intellectual property rights*, including:

- an interview with Carlos Correa, former Commission member (pp. 349–350);
- a summary of the report's recommendations (p. 351);
- an access-to-medicines campaigner's perspective by Ellen 't Hoen (pp. 421–423);
- an industry perspective by Eric Noehrenberg (pp. 419–420); and
- a human rights perspective by David J. Winters (pp. 414–416).

Open access and copyright (p. 339)

Virginia Barbour et al. argue the case for open-access publication of scientific findings for the public benefit. In their editorial, they note that the Wellcome Trust in the United Kingdom mandates its funded authors to make their work publicly available, that the US

National Institutes of Health (NIH) is encouraging this practice, and increasing numbers of governments and funding bodies are signing up to declarations on open access.

Making intellectual property rights work for public health (pp. 342–351)

In the News, Jacqui Wise reports from Cape Town on why developing countries are not using international trade law provisions to the full to buy life-saving medicines at affordable prices. William New reports from Geneva on how proposals for a global harmonization of patent law would affect poor people's access to medicines. Tove Iren S. Gerhardsen reports, also from Geneva, on the initiatives to stimulate research and development (R&D).

Should genes be patented?

An overlapping of patent rights — a patent “thicker” — threatens to restrict research and development of diagnostic tests and the provision of clinical diagnostic services. Esther van Zimmeren et al. (pp. 352–359) discuss establishing “clearing houses” to address the problem. Their article includes a glossary of terms used in intellectual property rights and public health. Graham Duffield (pp. 388–392) proposes that policy-makers opt for purpose-bound protection, under which human DNA sequences can be patented only with a specified use in mind. John Sulston (pp. 412–413) agrees that genes should not be patented, and argues that patent protection can stimulate but also stifle innovation. Dave A. Chokshi et al. (pp. 382–387) examine data-sharing and intellectual property policies for an international research consortium on the genomic epidemiology of malaria.

Access to medicines as a human right

In his editorial (p. 341), Barry N. Pakes discusses the ethical challenges posed by intellectual property issues that affect public health. Hans V. Hogerzeil (pp. 371–375) presents five assessment questions and practical recommendations to

further strengthen the human-rights-based approach in national essential medicines programmes. Introducing a round table discussion (pp. 405–411), Xavier Seuba discusses how to enforce access to essential medicines as a human right. Jonathan Kahn argues that a human rights approach should entail providing notice to patent holders that their products might be subject to a rights-based compulsory licence. James Love proposes a Medical Innovation Prize Fund and a medical R&D treaty to protect access to essential medicines as a human right. Helena Nygren-Krug & Hans V. Hogerzeil (p. 410) argue that health policy-makers should use a human-rights framework to increase access to medicines. Carlos Correa (pp. 399–404) reviews how free trade agreements limited some developing countries' access to essential medicines.

Patents: lessons from Japan (pp. 417–418)

Reiko Aoki et al. describe how Japan used patent breadth as its main policy tool in the 1970s, rather than patentability, to preserve competitiveness. The authors argue that narrow patents in Japan stimulated domestic R&D leading to the development of new drugs for the local market. They propose that pharmaceutical companies and consumers in developing countries could benefit from a similar strategy.

Access to medicines

Julie Milstien & Miloud Kaddar (pp. 360–365) summarize the conclusions of a WHO meeting, which found no evidence that the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) stimulates vaccine innovation for developing countries or that protection of intellectual property rights restricts developing countries' access to vaccines. Steve M. Maurer (pp. 376–381) argues that, for the first time, budgets may be large enough to deliver a new drug for neglected diseases every few years. Sisule F. Musungu (pp. 366–370) proposes benchmarks to assess progress in tackling the challenges of intellectual property and access to medicines in developing countries. ■