

FIX THE PATENT LAWS!

WHAT IS A PATENT?

A patent is a reward that is given to a company that allows it to sell a product with no competition from other companies. The patent lasts for 20 years. During this 20 year patent period, no other companies are allowed to sell the product

WHY ARE COMPANIES GIVEN PATENTS?

A patent is a reward for inventing something new. The purpose of rewarding companies with patents is to encourage them to invent new products that benefit society.

HOW DO PATENTS AFFECT PRICES?

When more than one company makes a product the price of that product drops because of competition. However, when a product is under patent, there is no competition and the price stays high. In fact, the company who holds the patent can charge whatever they want for the 20 year patent period.

Medicines can also be patented. This is one of the main reasons why many medicines are so expensive.

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WHAT IS A GENERIC MEDICINE?

A generic medicine is a medicine that is made by a company that does not hold the patent for that medicine. The medicine has exactly the same ingredients and works in our bodies in exactly the same way as the patented medicine. Generic medicines can only be sold once the 20 year patent period ends or if the patent holder or government gives a special licence to make and sell the medicine during the patent period.

HOW DO GENERIC MEDICINES AFFECT PRICES?

Generic medicines are much cheaper than medicines under patent. This is because there are suddenly a number of companies making the medicine instead of just the one company with the patent. The companies compete to sell their products, which forces them to cut their prices to attract buyers.

The costs of a 1st line antiretroviral regimen containing d4T, 3TC and NVP fell by 100 times when generic medicines became available.



HOW DO PATENTS AFFECT ACCESS TO MEDICINE?

Because patents keep the prices of medicines high, medicines under patent are often unavailable to the majority of the population. Therefore, while patents are meant to serve the public by encouraging companies to invent new products, they can also harm the public by preventing those in need of medicines from accessing them.

Therefore it is important that the rights of the patent holder are balanced with the right to health.

WHAT ARE THE REQUIREMENTS OF PATENT PROTECTION?

South Africa has signed an international agreement that commits us to having certain patent laws in the country. This agreement is called the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).

One of the requirements of this agreement is to provide 20 years of patent protection. This is a key reason why medicines are so expensive.



However, the TRIPS agreement also contains provisions that we can use to make sure people get the medicines they need. The problem is that these life-saving provisions have not yet been implemented in South Africa.

We have only implemented the parts of the TRIPS agreement that protect the rights of patent-holders, not the parts that protect patient rights.



WHY ARE TAC AND MSF CAMPAIGNING?

TAC and MSF are campaigning because South Africa's current patent laws puts the rights of patent-holders before the rights of patients. Our law includes all the worst parts from the TRIPS agreement, but does not include the parts that we can use to make medicines more affordable.

Because of our current laws, many medicines are not available to the majority of the population because of their high costs, while the company that has received a patent is able to make massive profits from charging such high prices.

WHAT ARE WE DEMANDING?

We demand that government fix our national patent laws. The specific law is called the Patents Act 57 of 1978. This law must be changed so that it balances the rights of patients with the rights of patent-holders in a way that is consistent with our constitution. The law must be changed to include all the life-saving provisions in the TRIPS agreement.

FIX THE LAW, SAVE OUR LIVES!

FIX THE **PATENT LAWS**

HOW CAN I FIND OUT MORE ABOUT THE CAMPAIGN?

Read our blog at www.fixthepatentlaws.org

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