A TIMELINE OF INTELLECTUAL PROPERTY REFORM IN SOUTH AFRICA

FIX THE PATENT LAWS!

1994-2016

1994

APRIL The Bill of Rights comes into force in South Africa outlining the new democratic government's constitutional obligations. The Bill of Rights states that "the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of [the right to have access to health care services]."

Source: http://www.justice.gov.za/legislation/constitution/SAConstitution-web-eng-02.pdf

APRIL As a member of the World Trade Organisation (WTO), South Africa signs the international agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), agreeing to provide 20-years of patent protection on products and processes that are new, innovative and capable to industrial application. The agreement contains safeguards to allow countries to protect health over patents.

Source: https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm

1997

SEPTEMBER South Africa amends its Patents Act 57 of 1978 (Patents Act) three years earlier than necessary to provide 20 years of patent protection in line with its TRIPS obligations, failing to fully utilise extension periods provided to developing countries in implementing their TRIPS obligations, or fully adopting safeguards allowed under TRIPS to protect health over patents. Prior to the 1997 amendments, South Africa provided 16 years of monopoly protection on patents.

Source: http://www.fixthepatentlaws.org/?p=79

NOVEMBER

President Nelson Mandela signs amendments to South Africa's Medicines and Related Substances Act 101 of 1965 (Medicines Act) into law. The amendments include provisions to allow for parallel importation (a safeguard allowed under TRIPS to protect health), and encouraging generic substitution of off-patent medicines. While these provisions are important steps towards improving medicine access, they did not go far enough – failing to adopt many of the safeguards allowed under TRIPS to protect health.

Source: http://www.ldd.org.za/images/stories/Ready_for_publication/V5-2_Debunking_Conglomo-talk.pdf

1998

DURING 1998

After amendments to the Medicines Act to promote use of generic medicines and allow for generic substitution came into effect, the United States Trade Representative places South Africa on its 301 Watch List. Inclusion on this list signifies that the U.S. perceived South Africa had created trade barriers for the U.S. and could therefore be subject to trade sanctions. A year later, South Africa is removed from the 301 Watch List due to international civil society pressure.

Sources: http://www.ldd.org.za/images/stories/Ready_for_publication/V5-2_Debunking_Conglomo-talk.pdf;
https://en.wikipedia.org/wiki/Special_301_Report

FEBRUARY

The Pharmaceutical Manufacturers Association (PMA), representing 37 international pharmaceutical companies, initiates legal action, challenging the introduction of amendments to the Medicines Act in South Africa to promote use of generic medicines and allow parallel importation to improve access to affordable medicines.

Source: http://www.ldd.org.za/images/stories/Ready_for_publication/V5-2_Debunking_Conglomo-talk.pdf

2000

NOVEMBER

Having initiated litigation against the South African government in February 1998, the PMA obtain a court date for the hearing of the case for March. On 16 February 2001, the Treatment Action Campaign (TAC) applied to the court date for the admission in the PMA case as amicus curiae. On 6 March 2001, TAC is admitted by the court as an amicus curiae.

Source: http://www.ldd.org.za/images/stories/Ready_for_publication/V5-2_Debunking_Conglomo-talk.pdf

2001

APRIL

The PMA drops its case against the South African government following massive, international outcry. Following the abandoned court case, the PMA split into 2 organisations - one retaining the name PMA and the other re-branding itself as Innovative Medicines South Africa (IMSA)

Sources: http://www.ldd.org.za/images/stories/Ready_for_publication/V5-2_Debunking_Conglomo-talk.pdf;
http://www.edoc.co.za/modules.php?name=News&file=article&sid=4633;
http://crm.bhfglobal.com/new-pharmaceutical-body-tackle-drug-registration-delay

NOVEMBER

The Doha Declaration on the TRIPS Agreement and Public Health ("the Doha Declaration") is signed by members of the WTO, re-affirming countries' rights to utilise safeguards in the TRIPS agreement to protect health.

Source: https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_trips_e.htm

2002

SEPTEMBER

TAC files a complaint with the Competition Commission concerning the conduct and excessive pricing of essential ARV medicines by multi-national pharmaceutical giants Boehringer Ingelheim and GlaxoSmith Kline. The Competition Commission refers the case to the Competition Tribunal for adjudication.

Sources: http://www.section27.org.za/wp-content/uploads/2010/04/journal-HR-practice-heywood.pdf;
http://www.tac.org.za/newsletter/2003/ns10_12_2003.htm

2003

DECEMBER

Following referral of TAC's Competition Commission complaint to the Competition Tribunal, Boehringer Ingelheim and GlaxoSmithKline grant licenses for generic manufacture and sale of the ARV medicines Lamivudine and Zidovudine in South Africa and also allowing supply to other sub-Saharan countries. The availability of generic medicines paves the way for massive price reductions and scaled-up access.

Source: http://www.tac.org.za/newsletter/2003/ns10_12_2003.htm

2005

OCTOBER

As a member of the African Union, South Africa commits to making full use of TRIPS flexibilities in the Declaration on A Roadmap Towards Universal Access to Prevention, Treatment and Care.

Source: http://www1.chr.up.ac.za/undp/regional/docs/audeclaration7.pdf

2007

NOVEMBER

TAC launches Competition Commission complaint against MSD (the South African subsidiary of multinational drug company Merck) for unlawfully refusing to grant licenses to allow for generic production of and affordable access to generic Efavirenz.

Sources: http://www.tac.org.za/community/node/2329; http://www.tac.org.za/community/node/2127

2008

JUNE

Following TAC's Competition Commission complaint, MSD grants voluntary licenses for production and use in South Africa of generic versions of ARV medicine Efavirenz, leading to massive price reductions.

Source: http://www.tac.org.za/community/node/2329; http://www.tac.org.za/community/node/2998

2009

JUNE

South Africa's Department of Trade and Industry (DTI) initiates the process of reforming intellectual property (IP) laws on its own accord. The DTI announces plans to release a policy document for reform of South Africa's IP legislation during 2009.

Source: http://www.politicsweb.co.za/documents/rob-davies-plans-for-industrial-policy

SEPTEMBER

Competition Commission ruling allows for manufacture and use of generic versions of ARV medicine Abacavir following TAC's submission on the merger between GlaxoSmithKline and Aspen Pharmacare. Generic competition results in large price reductions.

Sources: http://www.tac.org.za/community/node/2744; http://www.tac.org.za/community/node/2998

2011

JULY

Health Ministers of BRICS countries (Brazil, Russia, India, China and South Africa) sign the Beijing Declaration, stating their support for TRIPS safeguards, and commitment to preserving and promoting, to the full, the provisions contained in the Doha Declaration.

Source: http://www.brics5.co.za/about-brics/sectorial-declaration/health-ministers-meeting/beijing-declaration/

AUGUST

Jodi Scholtz, group COO of the DTI states that: "The Department of Trade and Industry (DTI) intends to submit the Intellectual Property (IP) draft policy to Cabinet next month to secure approval to undertake wider public consultation."

Source: http://www.tac.org.za/community/node/3250

SEPTEMBER

Research undertaken by Professor Yousuf Vawda at the University of KwaZulu Natal published by Professor Carlos Correa, Director of the Centre for Interdisciplinary Studies on Industrial Property and Economics Law at the University of Buenos Aires, demonstrates that South Africa grants significantly more pharmaceutical patents than other countries of similar socio-economic backgrounds. South Africa granted 2,442 pharmaceutical patents in 2008 alone, while Brazil only granted 278 pharmaceutical patents between 2003 and 2008.

Source: http://apps.who.int/medicinedocs/documents/s21395en/s21395en.pdf

SEPTEMBER

In response to a letter sent by TAC to DTI Minister Rob Davies, civil society is informed by Minister Davies that: "The Government is developing an Intellectual Property Policy (IP Policy) which will also address access to medicines and public health issues… The IP Policy will also establish a framework for legislative reform across all areas of IP policy to ensure a consistent approach that contributes positively to the economic and social interest of South Africa.

> The Policy will provide clarity as to which sections of the Patents Act 57 of 1978 and the Medicines Control and Related Substances Act 101 of 1965 require amendment to ensure that the flexibilities relating to access to medicine and health are incorporated into national legislation."

Source: http://www.fixthepatentlaws.org/?p=79

OCTOBER

President Jacob Zuma signs a joint declaration with Presidents of India and Brazil, recognising that the impact of IP on health, access to drugs and prices can best be tackled by enabling the scaled-up production of generic medicines through the full use of flexibilities provided by the TRIPS agreement, in accordance with the Doha Declaration.

Source: http://www.thepresidency.gov.za/pebble.asp?relid=5053

NOVEMBER Research published by academics from the University of Pretoria's Graduate School of Technology Management and Institute for Technological Innovation exposes that 80% of patents upheld in South Africa do not meet the country's patentability criteria. The researchers conclude: "We found that the current intellectual property rights regime not only fails to support the objectives of the national innovation system but also that it facilitates exploitation by foreign interests and creates substantial social costs."

Sources: http://reference.sabinet.co.za/document/EJC97100;
http://sajs.co.za/sites/default/files/publications/html/355-6893-2-PB.html

NOVEMBER TAC, MSF and SECTION27 jointly launch the Fix the Patent Laws campaign on the 10 year anniversary of the Doha Declaration. The Doha Declaration is important because it clarifies the rights of members to use flexibilities contained in the TRIPS agreement to protect health and states that the TRIPS agreement "should not prevent Members from taking measures to protect public health… and should be interpreted in a manner supportive of WTO Members' right to protect public health and, in particular, to promote access to medicine for all."

Source: http://www.fixthepatentlaws.org/?p=79

2012

MAY Representatives of MSF meet with the DTI and are informed the IP policy will be released for public comment in June/July 2012. The policy is not forthcoming. A leaked version of the draft policy is obtained by civil society groups. The document features comments from the multinational pharmaceutical industry associations, Innovative Medicines South Africa (IMSA) and the Pharmaceutical Industry Association of South Africa (PIASA), which outlines their opposition to proposed reforms promoting access to medicines.

Sources: http://www.fixthepatentlaws.org/?p=646; http://www.fixthepatentlaws.org/?p=559 ;

JULY South Africa's Supreme Court of Appeal affirms that the broader public interest, and not only the financial interests of litigating parties, must be taken into account when settling cases of purported patent infringement. This implies that courts must consider the availability and affordability (or lack thereof) of medicines to which patents apply.

Source: http://www.justice.gov.za/sca/judgments/sca_2012/sca2012-108.pdf

AUGUST DTI spokesperson says that: "Concerns raised by the TAC were being addressed by the draft policy on intellectual property, which is awaiting approval by Trade and Industry Minister Rob Davies and the Cabinet."

Source: http://www.bdlive.co.za/articles/2011/11/17/sa-s-tight-patent-protection-drives-high-drug-prices

OCTOBER IP experts: Amy Kapczynski, Professor at Yale Law School; Bhaven Sampat, Professor at Columbia School of Public Health; and Chan Park, General Counsel and Interim Executive Director at the Medicines Patent Pool, present research demonstrating that South Africa grants 66% more patents than the United States and European Union on identical applications.

Source: http://www.fixthepatentlaws.org/?p=459

OCTOBER DTI representatives inform civil society during TAC and MSF-hosted meeting that the IP policy will be submitted to Cabinet on 5 December 2012, and finalised in March/April 2013. No draft policy is forthcoming until September 2013.

Source: http://www.fixthepatentlaws.org/?p=459

DECEMBER No IP policy is submitted to Cabinet. DTI representative says policy will be presented to Cabinet in January 2013. It is not forthcoming.

Source: http://www.fixthepatentlaws.org/?p=523

2013

JANUARY No IP policy is submitted to Cabinet. Civil society is informed it will be submitted in early February 2013. It is not forthcoming.

Source: http://www.fixthepatentlaws.org/?p=526

FEBRUARY At the Africa IP Forum in Midrand, DTI Minister Davies responds to activist concerns, noting that the draft policy is in its final stages, and will be released soon. He comments that the policy should balance "the rights of innovators and the rights of humanity."

> "There needs to be both incentives for innovation as well as ensuring public health and access to medicine". The Minister repeatedly highlights the role of generic medicines in fighting disease in South Africa and is clear that "generics are not counterfeits".

Source: http://www.fixthepatentlaws.org/?p=540

22 APRIL Reuters article quotes DTI representative as saying the overhaul of IP legislation will improve access to medicines by making it more difficult for pharmaceutical companies to obtain patents and keep

prices high, suggesting the Ministry is making progress in developing its policy position.
Source: http://www.reuters.com/article/2013/04/22/us-safrica-medicines-idUSBRE93L0M420130422

24 APRIL The DTI reneges on IP policy commitments, with DTI Minister Davies stating that South Africa's new IP policy will not be released for public comment any time soon.
Source: http://www.fixthepatentlaws.org/?p=583

MAY Two industry groups representing originator-producing pharmaceutical companies in South Africa - the Pharmaceutical Industry Association of South Africa (PIASA) and the Innovative Medicines South Africa (IMSA) – merge to from the Innovative Pharmaceutical Association of SA (IPASA).
Source: http://crm.bhfglobal.com/new-pharmaceutical-body-tackle-drug-registration-delay

AUGUST DTI Chief Director of Policy and Legislation, Macdonald Netshitenzhe, confirms that the draft IP policy has been submitted to Cabinet. He says that the policy proposes to improve access to medicines, and introduce patent examination to stop pharmaceutical companies from "evergreening" their patents.
Sources: http://www.bdlive.co.za/national/health/2013/08/08/state-hopes-big-changes-to-patent-rules-will-cut-drug-costs;
https://www.msf.org.za/stories-news/press-releases/bush-radio-msf-and-tac-discuss-sas-patent-laws

SEPTEMBER DTI releases draft IP policy, inviting public comment. The draft policy outlines principles and proposals that promise to increase competition in the pharmaceutical sector and lower the prices of medicines in South Africa.
Source: http://www.fixthepatentlaws.org/?p=657

OCTOBER Public comment period closes on draft IP Policy. Over 100 submissions are submitted to the DTI.
Source: http://www.ip-watch.org/2013/11/18/comments-received-to-south-africas-process-for-new-ip-policy/

The United Nations Development Programme releases a detailed analysis of South Africa's IP laws, recommending the adoption of TRIPS flexibilities to improve access to medicine.
Source: http://www.undp.org/content/dam/undp/library/hivaids/English/using_law_to_accelerate_treatment_access_in_south_africa_undp_2013.pdf

NOVEMBER The DTI releases a statement that an upcoming conference will allow for consultation with stakeholders on the draft IP policy. This conference does not go forward.
Source: http://www.fixthepatentlaws.org/?p=814)

NOVEMBER At the "Creating and Leveraging Intellectual Property in Developing Countries" conference (CLIPDC), Minister Davies notes recommendation of draft IP policy to introduce substantive examination of patents. He encourages partnership and collaboration with other developing countries, in order for South Africa to arrive at approaches that best address their developmental objectives.
Source: http://www.ip-watch.org/2013/11/21/a-question-of-balance-in-ip-rights-in-south-africa-2/

2014

JANUARY Pharmagate scandal hits South African media—25 pharmaceutical companies under the umbrella organisation IPASA are revealed to be plotting a scheme to delay the finalisation of the IP policy. Minister of Health calls the plot tantamount to "genocide", and South African and other country statements at the Executive Board meeting of the World Health Organisation reiterate that IP reform in South Africa "will promote competition and ensure the levelling of the playing field." One week after the Pharmagate scandal, pharmaceutical company Roche quits, and Novo Nordisk temporarily leaves the association.
Sources: http://mg.co.za/article/2014-01-16-motsoaledi-big-pharmas-satanic-plot-is-genocide;
http://www.fixthepatentlaws.org/?p=847;
http://sciencespeaksblog.org/2014/02/11/follows-on-pharmagate-plot-south-africa-activists-picket-merck-office-while-two-drug-companies-leave-pharmaceutical-association/

FEBRUARY The DTI promises that a finalised policy will be tabled in April 2014, and the DTI will meet and consult with all Ministries affected by the IP policy. The final policy is not forthcoming.
Source: https://www.msf.org.za/msf-publications/new-age-mps-set-to-tackle-vital-patent-legislation-on-medicines

MARCH Marches are held by civil society organisations in Cape Town and Pretoria. Memorandums calling for a final IP policy before national elections are delivered to the DTI Minister, and Parliament. The DTI says that the policy will be finalised after elections, because "parliamentary processes…need to be followed."
Sources: https://www.msf.org.za/stories-news/media-coverage/pretoria-news-activists-tackle-department-patent-laws
https://www.msf.org.za/stories-news/media-coverage/new-age-health-activists-urge-patent-law-finality-may-7
https://www.msf.org.za/stories-news/press-releases/cabinet-mps-save-your-voters-lives-push-final-ip-policy-elections

OCTOBER At an IP Summit hosted by TAC, nearly 50,000 signatories sign petitions and an open letter to encourage the finalisation of the IP policy. The DTI announces that it will implement a substantive search and examination system. They also note that they have appointed a consultant, Genesis Analytics, to conduct a Regulatory Impact Assessment on the draft IP policy, to facilitate its eventual approval by Cabinet. They announce that a final policy will be released by the end of 2014, with Bills introduced in Parliament in February 2015. Neither the final policy nor the Bills are forthcoming.
Sourced: http://www.fixthepatentlaws.org/?p=953 http://www.fixthepatentlaws.org/?p=959

NOVEMBER The Mail & Guardian posts on sourceafrica.net all the submissions to the DTI on the draft IP policy, as well as a 600-page summary of all submissions by the DTI.

Source: https://sourceafrica.net/public/search/Draft%20IP%20policy

2015

MARCH DTI Director General Lionel October's presentation to Trade and Industry Portfolio Committee in Parliament announces the DTI has developed eight Bills to amend IP legislation in South Africa in relation to the policy, and undertaken regulatory impact assessments for each of these Bills.

Source: https://pmg.org.za/committee-meeting/20514/

APRIL Commissioner Astrid Ludin of the Companies and Intellectual Property Commission notes in her presentation to Parliament's Committee on Health that South Africa will introduce substantive examination of patents.

Source: https://www.thedti.gov.za/parliament/2015/CIPC_strat_app.pdf

JUNE Twelve leading health and patient support organisations join the Fix the Patent Laws campaign in calling for progressive patent law reform. These organisations are: People Living With Cancer (PLWC), the South African Depression and Anxiety Group (SADAG), DiabetesSA, CanSurvive, the South African Federation for Mental Health (SAFMH), Stop Stock Outs, the Cancer Association of South Africa (CANSA), the Schizophrenia and Bipolar Disorder Alliance (SABDA), the South African Non-Communicable Diseases Alliance (SANCD Alliance), Marie Stopes South Africa, Epilepsy South Africa and Cape Mental Health.

Source: http://www.fixthepatentlaws.org/?p=973

JULY The South African Catholic Bishops Conference (SACBC) joins the campaign for affordable medicines, calling on the DTI to urgently release the finalised policy.

Source: http://www.fixthepatentlaws.org/?p=986

JULY Cabinet approves publication of the Copyright Amendment Bill 2015 in the Government Gazette for wider consultation. This is one of the eight Bills linked to the final IP policy, but the policy is not forthcoming.

Source: http://www.gcis.gov.za/newsroom/media-releases/statement-cabinet-meeting-24-june-2015

JULY Doctors Without Borders respond to leaked submission made by the European Union to the DTI, calling for South Africa to abandon reform of IP laws to protect health and scale-up protection of IP.

Source: http://www.fixthepatentlaws.org/?p=980

AUGUST The American Chamber of Commerce in South Africa—whose members include companies involved in the Pharmagate scandal— makes a submission to the Office of the United States Trade Representative requesting that South Africa's eligibility for ongoing inclusion in the African Growth and Opportunities Act (AGOA) be dependent on South Africa abandoning IP reforms to protect health. TAC, MSF, SECTION27 and Stop Stock Outs make a submission to counter such efforts.

Source: http://www.fixthepatentlaws.org/?p=1013

APRIL TAC sends a letter to Trade and Industry Minister, Rob Davies, requesting clarification on any IP concessions made in negotiations with the US for South Africa's ongoing inclusion in AGOA, and for an urgent update of when the finalised IP policy will be released. No response is received.

Source: http://www.fixthepatentlaws.org/?p=1013

AUGUST CIPC announces it is hiring "Patent Searchers" for the eventual implementation of a patent examination system.

Source: http://www.cipc.co.za/files/3414/3895/2521/Patent_Searcher_External.pdf

SEPTEMBER Members of the Fix the Patent Laws Coalition make submissions to the Portfolio Committee on Trade and Industry on the Copyright Amendment Bill. The submissions discuss areas related to access to medicines, as well as user-rights for people with disabilities.

Source: http://www.fixthepatentlaws.org/?p=1027

SEPTEMBER Doctors Without Borders sends a letter to Trade and Industry Minister, Rob Davies, requesting South Africa's support for an unconditional extension of the transition period under Article 66.1 of the TRIPS Agreement regarding certain obligations with respect to pharmaceutical products, as well as a waiver from Articles 70.8 and 70.9 of TRIPS for as long as countries remain least developed countries. The letter also requests urgent clarification of when the finalised IP Policy will be released. No response is received.

Source: https://www.msf.org.za/about-us/publications/speeches-and-open-letters/open-letter-support-least-developed-countries-ldcs

OCTOBER The Cancer Alliance, CHOC Childhood Cancer Foundation South Africa and Advocates for Breast Cancer join the Fix the Patent Laws Campaign.

Members of the Fix the Patent Laws Coalition sends a letter to Trade and Industry Minister, Rob Davies, calling for clarification on the DTI timelines for finalising the IP policy, and introducing a Bill to Parliament to amend the Patents Act. Patents on medicines continue to be granted without substantive examination of applications, and thousands of people in South Africa remain unable to access affordable versions of the medicines that they need.

29 OCTOBER

In response to the letter sent to Minister Davies from the Fix the Patent Laws coalition, Minister Davies sends a letter to the coalition recommitting to the adoption of TRIPS safeguards to protect health but noting ongoing delays. The coalition welcomed Minister Davies confirmation that the DTI remains committed to the adoption of TRIPS safeguards to protect health, but calls for an urgent end to delays to ensure people in South Africa are able to access the medicines that they need.

Sources: http://tac.org.za/sites/default/files/Letter%20from%20Minister%20Davies%20to%20FTPL%20coalition.pdf;
http://tac.org.za/sites/default/files/Sent%20response%20to%20Minister%20Davies.pdf

19 NOVEMBER

The United Nations Secretary-General, Ban Ki-Moon, announces the launch of a United Nations High Level Panel on Access to Medicines. The Panel convenes to "review and assess proposals and recommend solutions for remedying the policy incoherence between the justifiable rights of inventors, international human rights law, trade rules and public health in the context of health technologies". The Panel invite contributions from the general public regarding its scope of inquiry and convene two hearings and global dialogues in London and Johannesburg.

Source: http://www.unsgaccessmeds.org/timeline/

23 NOVEMBER

Fix the Patent Laws Coalition sends a letter to Members of Parliament noting support for ratification of the December 6 Decision on Doha on TRIPS – as pursued by the DTI – but notes that "While the FTPL coalition supports the ratification of the December 6 Decision, we stress that its ratification and formal adoption by WTO member countries is not a pre-requisite for the full adoption of TRIPS safeguards to protect health in South Africa… [further] we re-iterate that this ratification alone will not improve access to affordable medicines for people living in South Africa and that reform of the country's intellectual property laws to fully adopt TRIPS safeguards must remain an urgent priority both for the DTI and Members of Parliament."

Source: http://www.fixthepatentlaws.org/?p=1055

2016

4 FEBRUARY

The Fix the Patent Laws coalition releases a video on World Cancer Day highlighting the exorbitant costs charged for breast cancer medicine Trastuzuma that prevents access to the medication for the majority of women that could benefit from the treatment. The video highlights how multiple patents granted on Trastuzumab (many of which have expired or been overturned in other countries) may block access to more affordable biosimilar products until 2033.

Source: http://www.fixthepatentlaws.org/?p=1061

15 – 16 MARCH

Fix the Patent Laws convene a training of coalition members to coincide with the UN Global Dialogue on Access to Medicine in Johannesburg. During the training, presentations are made to the FTPL coalition by international participants in the global dialogue: including James Love; Suerie Moon of Harvard Global Health Institute; Tahir Amin, Director of I-Mak; and Judit Rius of Médecins Sans Frontières. A presentation is also made by Tenu Avafia from the UNDP regarding the background and purpose of the UN High Level Panel on Access to Medicines at the request of the coalition.

17 MARCH

Representatives of Fix the Patent Laws, including patients unable to access the medications that they need, testifies at the Johannesburg Global Dialogue at the UN High Level Panel on Access to Medicines. Coalition members - TAC, Cape Mental Health, Advocates for Breast Cancer, PLWC, and SECTION27 - picket outside of the Johannesburg Global Dialogue to urge the Panel to place the public interest and the right to health ahead of the private interests of pharmaceutical companies. Additionally, TAC and other civil society groups hand over 'A civil society declaration on the UN Secretary-General's High-Level Panel on Access to Medicines' to the co-chair of the UN High Level Panel, Ruth Dreifuss.

Sources:http://www.tac.org.za/news/tac-participate-and-picket-outside-united-nations-hearings-johannesburg;
http://tac.org.za/sites/default/files/Johannesburg%20Declaration%20.pdf

31 MARCH

Members of the Fix the Patent Laws campaign, including Advocates for Breast Cancer, the Cancer Alliance, CANSA, MSF, PLWC, SECTION27, SANCD Alliance, TAC, and Wings of Hope picket outside pharmaceutical company Roche to highlight the excessive price charged for Trastuzumab. The picket is arranged as part of global protests against pharmaceutical greed that blocks access to essential medicines.

Sources: http://www.fixthepatentlaws.org/?p=1064; http://www.tac.org.za/news/global-action-against-pharma-greed

1 APRIL

Health Minister, Dr Aaron Motsoaledi, makes encouraging statements on the public record regarding South Africa's willingness to use TRIPS health safeguards to facilitate access to Trastuzumab – an important medicine used to treat HER2 positive breast cancer. When asked on radio station Power FM about providing access to Trastuzumab, the Minister indicates that he will consider issuing a government use compulsory license. He says: "If we have to do that, we want it to be a government use license and we've got no problem with that".

Sources: http://www.fixthepatentlaws.org/?p=1071;
https://soundcloud.com/powerfm987/the-dangers-of-sa-medical-patent-laws-in-their-current-form

8 APRIL Trade and Industry Minister, Rob Davies, delivers a keynote presentation at the World Intellectual Property Organisation's (WIPO) International Conference on Intellectual Property and Development in Geneva. In his speech Minister Davies dispels a number of commonly held myths about the role of IP in development. He says that: "there is no unambiguous evidence that stronger IPRs (intellectual property rights) foster industrial development and countries may require different approaches and policies dependent on their level of industrial development." Minister Davies goes on to say: "The evidence on the extent to which patent protection, which is of particular relevance in the context of industrial policies, contributes to encouraging innovation is, at best, inconclusive."

Source: http://www.fixthepatentlaws.org/?p=1071

6 JULY On 6 July 2016, Cabinet approves a new IP Consultative Framework for South Africa, which is published for public comment by the Department of Trade and Industry on 14 July 2016. The Consultative Framework follows a Draft National IP Policy published for comment in 2013 – on which FTPL and many other groups commented. The 2013 Draft National IP Policy committed to reforming South Africa's patent law to address shortcomings that impede medicine access. The Consultative Framework now presents a process for finalisation of the Draft Policy. FTPL publish a statement in response to the framework noting that: "We welcome progress by the Department of Trade and Industry (DTI) in moving towards reforming South Africa's laws in line with commitments made in the 2013 Draft IP Policy, and are encouraged to see public health safeguards as a priority, as well as by the cooperation between different ministries evident in the Framework. However, we are deeply concerned by the three years of delay between documents, as well as potential for ongoing delays in reforming the country's laws." FTPL will publish its full submission on the Consultative Framework by the DTI's end-September deadline for comment.

Source: http://www.fixthepatentlaws.org/?p=1080

17 JULY On the eve of the 21st International AIDS Conference, civil society organisations from across the world call on world leaders to take decisive steps to ensure that the nightmare of people not being able to afford AIDS medicines will not be repeated for people with other diseases, including HIV co-infections.

Source: http://www.tac.org.za/news/never-again-let-people-die-because-medicines-are-too-expensive

18 JULY Over 8,000 activists from South Africa and across the globe take to Durban's streets for the 21st International AIDS Conference—highlighting a massive disconnect between political promises to end AIDS and the realities on the ground of insufficient funding and health systems stretched to the breaking point. Activists present their demands to key political decision makers in the fight against AIDS, including South African Deputy President Cyril Ramaphosa, United Nations Secretary-General Ban Ki-moon, U.S. Ambassador Patrick Gaspard, Global AIDS Ambassador Deborah Birx and others.

Source: http://www.tac.org.za/news/thousands-activists-march-international-aids-conference-durban

19 JULY Women from across the world storm the corporate stall of multinational pharmaceutical company Roche at the International AIDS Conference in Durban. The activists demand Roche urgently drop the price of a vital breast cancer treatment. The women shower the company's stand with over a thousand bras gathered from women around the world and hold a banner telling Roche to "Stop booby trapping access to medicines". In South Africa, Trastuzumab remains out of reach to the majority of women that could benefit from it due to its high price.

Source: http://www.tac.org.za/news/roche-stop-booby-trapping-access-medicines

14 SEPTEMBER The Secretary General's UN High Level Panel on Access to Medicines releases its much anticipated report. It recommends, among other things, that "WTO Members must make full use of the…[TRIPS] flexibilities as confirmed by the Doha Declaration to promote access to health technologies when necessary." It adds that countries should also use the policy space available to them by "adopting and applying rigorous definitions of invention and patentability that are in the best interests of the public health of the country and its inhabitants…[including] amending laws to curtail the evergreening of patents and awarding patents only when genuine innovation has occurred." Importantly, the Panel also recommends that "Governments should adopt and implement legislation that facilitates the issuance of compulsory licenses".

Source: http://www.unsgaccessmeds.org/final-report/

FIX THE PATENT LAWS!

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