

Fix the Patent Laws

March for Medicines Memorandum

Pretoria, 24th October 2017

We, activists and people living with cancer, diabetes, HIV, tuberculosis, and mental health conditions, today stand in support of the Department of Trade and Industry for their efforts to fix our patent laws. We commend the government for its draft policy on intellectual property, which includes many important safeguards to protect public health.

But mere policy is not enough. We need new laws.

For over ten years, we have waited. The government has given us policies but not reforms, promises but not results.

The draft IP policy is an important first step. Now, the DTI must urgently finalise the policy, and publish draft bills to ensure access to medicines.

While we have waited for law reform, many comrades have passed away because the medicines they needed were too expensive. We all know this injustice too well. Just last year, we stood here with our comrade Tobeka Daki. Tobeka was a fierce activist from Mdantsane in the Eastern Cape, a mother, a daughter, a friend, a woman living with HER2 positive breast cancer, a support group member and an advocate for equal and affordable access to medicines for all. After years of not being able to afford and access the medicines she needed, she died last November.

Today we remember Tobeka Daki and all our other fallen comrades.

And as we remember them, we also stand in solidarity with every person in South Africa and across the world, who cannot afford the medicines they need to stay alive and to live with dignity. Whether you have cancer, diabetes, HIV, TB or whatever else, we are all in this together.

We all need laws that are more just and more humane.

We march today to submit our comprehensive comments on South Africa's draft IP policy.

In our submission, we welcome the government's commitments to advance Constitutional rights and to do so urgently.

But we also say:

- We urgently need our patent laws to be fixed so that they place people's right to access medicines ahead of the private interests of foreign pharmaceutical companies.
- We urgently need our government to stop giving away poor quality patents to pharmaceutical companies. We have created a system that allows companies to patent the same medicines over and over again and to keep prices high. This must end.
- If the prices of medicines remain too high, government, or us the people, must have recourse in the law. We need to say to companies, if you won't drop the price, then we will take your patent and allow someone else to make the medicines.

We recognise and support the important first steps that the DTI has taken in the policy. But we march because we know that the laws have not yet changed and it will take commitment and leadership to get them changed. We march to urge the DTI to show this commitment and leadership. To Minister Davies and all the officials in the DTI we say: This is what we expect and demand of you as servants of the public. This is also what we plead of you as fellow human beings. As the case of Tobeka Daki makes painfully clear, lives depend on it.