

November 27, 2013

YAB Dato' Sri Najib Tun Razak  
Prime Minister of Malaysia  
Prime Minister's Department  
Blok Utama, Bangunan Perdana Putra  
Pusat Pentadbiran Kerajaan Pusat  
62502 Putrajaya

YAB Dato' Sri

**Re: Trans-Pacific Partnership (TPP) Agreement and Intellectual Property Chapter**

We are writing to express our continued support to the government for the exemplary leadership shown by tabling a tobacco carve-out in the Trans-Pacific Partnership (TPP) negotiations. The international public health community has praised Malaysia for taking this decisive stand on tobacco in the TPP. This proposal coming from a developing country has made it all the more pertinent as the increasing burden of the tobacco related disease and death are faced by developing countries. It is our sincere hope that Malaysia will follow through this proposal on the tobacco carve-out in the TPP negotiations.

We are very concerned particularly with the intellectual property chapter which is part of the TPP. The recently leaked text reveals that the expansion of trademark rights and extension of right holder privileges will unduly benefit the tobacco industry and increase their capacity to sue Malaysian government on laws on graphic warning, misleading descriptors and advertising ban. It took many years of hard work to enact these measures to protect the public from the hazards of tobacco use and it would be a tragedy to have them challenged and come undone by the tobacco industry. The TPP should not increase the power of corporations to influence regulation and reduce the ability of the government to adopt and implement tobacco control measures.

American law experts say the 'exception' proposed by the USA on tobacco control is weak and adds nothing to the existing extremely difficult to use health exception which the USA has never allowed to apply to the investment or intellectual property chapters.

National  
Cancer  
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The public health community in Malaysia as well as across the globe is behind Malaysia on its stand to carve out tobacco from the TPP. The tobacco carve-out should be a red line for Malaysia.

There seems to be an inexplicable urgency from the US to conclude the TPP before the year end. We are relieved that YAB announced last month that Malaysia is under no compulsion to meet any set deadlines for the TPP. Neither should the country be pushed or pressured into concluding the negotiations especially if the terms are detrimental to public health. We understand that there will be a TPP Ministerial meeting in Singapore in Dec 7-9. It is our sincere hope that Malaysia will stand by the proposal for a tobacco carve-out from the TPP.

We will be happy to provide any further information if requested. Our partners who join us to support the Malaysian Government's positive and decisive stand on tobacco in the TPP are as shown below.

Thank you.

Yours faithfully



**Dr Saunthari Somasundaram**  
Medical Director and President, National Cancer Society Malaysia  
On behalf of

