

November 16, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC

Dear Mr. President:

We write as you depart for Asia to ask that you drop any demands that Thailand or other countries facing major public health crises change their intellectual property rules at the cost of the health of their people. Reports have recently surfaced that your administration is seeking to expand the Trans Pacific Partnership Free Trade Agreement (TPP) to Thailand. Intellectual property provisions in this free trade agreement, already a source of substantial controversy, would put the price of life-saving medicines in Thailand out of reach of most Thais. Mr. President, as public health and consumer groups, we know these policies could cost tens of thousands of lives and we ask that you change course.

Your administration has been a leader in promoting health, both at home and abroad—from the Affordable Care Act to expanding the President's Emergency Plan for AIDS Relief to reach 6 million people with AIDS drugs by the end of next year. When you ran for president, you and Vice President Biden promised to “break the stranglehold that a few big drug and insurance companies have on these life-saving drugs.” You said you “support the rights of sovereign nations to access quality-assured, low-cost generic medication to meet their pressing public health needs.” Yet the TPP would do exactly the opposite—it would undermine the good work our government is doing.

Under the Bush administration, public health experts in the U.S. and Thailand opposed the U.S.-Thai Free Trade Agreement. Indeed thousands of Thai activists took to the streets in opposition, knowing their health and lives were at stake.

Leaked proposals for the TPP show it is likely to be much worse for public health than the Bush-era FTAs. It would undermine Thailand's ability to protect public health. Thailand has taken pro-health measures agreed to under the rules of the World Trade Organization such as issuing compulsory licenses on medicines—a practice that has provided royalties for U.S. drug companies while ensuring drugs can reach people in Thailand without literally bankrupting the public health system. The TPP could restrict or threaten this pro-health tool. It would transform clinical trial data from a tool to guide health officials into corporate property to bar generic drugs. The TPP would also require Thailand to enforce longer patents and patents on medicines that are not new or better just to prevent generic competition. All of this will benefit the drug companies, but leave Thai people living in poverty to die without access to drugs that can be made for pennies.

Meanwhile, TPP proposals go even further and undermine democracy in the service of big pharma—outlawing the practice of letting citizens, patients, doctors, and experts challenge

a patent that does not meet the legal standard, before its granted. Why would the U.S. government be in the business of denying Thai people access to their government?

Mr. President, lives rest on your decision. We ask you to stand with the millions of people around the world in need of affordable medicines. Please support Thailand's pro-health policies instead of demanding expanded drug company power.

Sincerely,

Health GAP (Global Access Project)

Public Citizen

American Medical Student Association

Center for Policy Analysis on Trade and Health (CPATH)

Knowledge Ecology International

Universities Allies for Essential Medicines

Student Global AIDS Campaign