Pharma Groups Conspired to Bolster South African Drug Patents

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A leaked email has revealed efforts on the part of the international drug industry to influence reforms to South African intellectual property law, Knowledge Ecology International (KEI) reports. The leaked emails demonstrate that the Innovative Pharmaceuticals Association of South Africa (IPASA) lied when the group denied previous accusations that it had colluded with U.S.-based pharmaceutical industry lobbying group PhRMA (the Pharmaceutical Researchers and Manufacturers of America) in a plot to obtain stronger patent laws on pharmaceuticals in South Africa, a move that could ultimately limit the availability of HIV antiretrovirals in that hard-hit nation.

IPASA represents companies such as Merck, Sanofi, Pfizer, Roche and Novartis.

The Mail & Guardian initially revealed the plot in a January 17, 2014, article. The ensuing uproar invariably spawned the marquee title of “Pharmagate” to apply to the scandal.

According to a release from the Treatment Action Campaign (TAC), the leaked email, sent on January 10 by Michael Azrak, who is the managing director of Merck Southern and East Africa and the head of IPASA’s intellectual property committee, demonstrates that IPASA has been untruthful on three key points.

First, IPASA, in consultation with PhRMA, did in fact seek out a consultancy group, Public Affairs Engagement (PAE), to influence the intellectual property law reform process in South Africa, contrary to previous denials. Second, while IPASA has claimed repeatedly that the group’s members rejected a proposal from PAE to launch a campaign to influence the outcome of the legal reforms, the leaked email shows that Azrak supported such a plan and made a call for immediate action. And lastly, IPASA has previously denied that any payment for or pledge of money had been made toward such a campaign. On the contrary, the PhRMA apparently pledged $350,000 and IPASA another $100,000 toward a five-month campaign in 2014, with IPASA responsible for up to $150,000 of additional costs throughout the year.

TAC speculates that the industry groups would have pursued this campaign if not for the public relations firestorm and that any vote against the PAE proposal occurred after the Mail & Guardian broke the story.

To read the first Mail & Guardian report, click here.

To read a subsequent Mail & Guardian report, including the industry denials, click here.

To read the KEI report, click here.

To read the TAC release, click here.
