

# Patent Pool Approved to Step Up International HIV Med Access

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Pharmaceutical companies are likely to face increased pressure from the international community to allow other manufacturers to develop generic versions of antiretroviral (ARV) drugs, now that the board of UNITAID has voted to launch a patent pool. UNITAID is an international group devoted to increasing access to quality treatment of AIDS, malaria and tuberculosis.

According to a UNITAID [press release](#), the patent pool should help deliver affordable versions of HIV drugs and facilitate the development of essential new fixed-dose combination and child-friendly drugs.

A patent pool consists of at least two companies, usually in competition with each other, agreeing to share or cross-license patents related to a particular technology. Patent pools allow companies to work together toward a common goal—scale-up of access to safe and effective ARVs in resource-poor nations, for example—while at the same time securing payment for the manufacturing and distribution of their products.

Pharmaceutical company participation in UNITAID's patent pool, to be implemented in early 2010, is voluntary. In exchange for giving up their monopoly rights to their name-brand ARVs, pharmaceutical companies will be given a fair royalty payment by generic manufacturers participating in the UNITAID program. In addition, pharmaceutical companies would keep their 20-year patent rights in wealthy countries.

"This is a historic moment, which brings hope to the millions who don't currently get the HIV medicines they need to stay alive," said Mohga Kamal-Yanni, senior health policy advisor at Oxfam GB. We congratulate the board for their leadership in taking this step. This will not undermine any country's ability to use the existing intellectual property flexibilities enshrined in national and international law. The patent pool will save lives by delivering much-needed drugs to those in need around the world."

UNITAID said the spotlight is now firmly on the pharmaceutical companies. "Companies like Gilead and Merck showed real leadership within the industry by speaking positively of the patent pool," said Diarmaid McDonald, coordinator of the United Kingdom-based Student Stop AIDS Campaign, in an [online article](#) published Tuesday, December 15, in The Guardian. "They must now go beyond words and contribute their patents to the pool. The pressure will be on others within the industry to follow or to explain why they are willing to turn their backs on an initiative with such huge potential to save lives."

UNITAID, established by Brazil, France, Chile, Norway and the United Kingdom, “call[s] on all companies with patents relevant to the pool to contribute them to the new entity as soon as possible.”

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