

1 [Supporting access to AIDS drugs for Third World Countries]
2 **URGING THE WORLD TRADE ORGANIZATION (WTO) TO ELIMINATE BARRIERS**
3 **WHICH PREVENT THIRD WORLD COUNTRIES FROM OBTAINING AFFORDABLE**
4 **LIFE SAVING HIV-AIDS TREATMENTS AND FURTHER URGING THE UNITED**
5 **STATES FEDERAL GOVERNMENT, AS A MEMBER OF (WTO), TO CEASE ITS BI-**
6 **LATERAL ATTEMPTS TO DISCOURAGE DEVELOPING COUNTRIES FROM USING**
7 **COMPULSORY LICENSING AND PARALLEL IMPORTING TO ADDRESS VITAL**
8 **PUBLIC HEALTH CONCERNS.**

8 WHEREAS, The AIDS epidemic continues to be a disease of the world's most
9 impoverished developing nations; and

10 WHEREAS, The United Nations reports that 33.6 million women, men and children
11 are now living with HIV and more than two-thirds are in sub-Saharan Africa; and

12 WHEREAS, There is a huge gap in access to drugs between industrialized and
13 developing countries and the soaring cost of \$1,000 per month in AIDS drug therapies are
14 out of reach for Third World countries, where 90 percent of the world's people with AIDS
15 reside; and

16 WHEREAS, Avoiding pharmaceutical industry patents would lower the cost of AIDS
17 drugs and facilitate access for developing countries; and

18 WHEREAS, The World Trade Organization policy permits poor countries to
19 manufacture drugs ordinarily protected by patents; and

20 WHEREAS, Combinations of newly developed antiviral drugs have helped cut the
21 AIDS death rate in the United States by half since 1996; and

22 WHEREAS, The WTO's "Compulsory licensing" policy allows a country to force a
23 drug company to license its patent to a local manufacturer; and

24 WHEREAS, The WTO's "Parallel importing" policy permits poor countries to shop
25 the international market for the lowest priced drug, instead of paying the rate charged in
their countries by companies that own the patent; and

Supervisors Ammiano, Leno, Bierman, Newsom, Teng, Katz, Brown

1 WHEREAS, These two policies give hard-hit nations the opportunity to produce
2 their own AIDS drugs and cut the prices they pay by more than 80 percent; and

3 WHEREAS, Multinational pharmaceutical companies are working to restrict access
4 to essential medications worldwide in the interest of "intellectual property" claims and
5 higher profits; and

6 WHEREAS, The drug industry plans to lobby the WTO to implement tighter limits
7 on the use of compulsory licenses and are working toward a worldwide ban on parallel
8 imports; and

9 WHEREAS, Patent compliance rules should not impede Third World countries from
10 obtaining access to "essential medicines," a list of life-saving drugs compiled by the United
11 Nations, now therefore be it

12 RESOLVED, That the Boards of Supervisor for the City and County of San
13 Francisco urges the World Trade Organization member countries to:

14 (a) safeguard access to essential drugs, especially HIV drugs, and reaffirm the
15 primacy of public health interests over commercial considerations, regarding the
16 implementation of the World Trade Organization's Agreements and in the review of the
17 Trade Related Aspects of Intellectual Property Agreement,

18 (b) refer to the World Health Organization's expertise regarding disputes on health
19 measures and the Trade Related Aspects of Intellectual Property (TRIPS) Agreement ,

20 (c) recognize that US trade policy should not supersede WTO agreements that permit
21 and uphold the legality of parallel importing and compulsory licensing, and

22 (d) make provisions ensuring that access to community medicines and local plants
23 is maintained and protected, and that technical expertise be provided so that communities
24 can be granted license for these drugs and benefit from their development and sale; and
25 be it

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FURTHER RESOLVED, That the City and County of San Francisco urges the United States federal government to cease its bi-lateral attempts to discourage developing countries from using compulsory licensing and parallel importing to address vital public health concerns.

SUPERVISOR AMMIANO



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 992247

Date Passed:

Resolution urging the World Trade Organization (WTO) to eliminate barriers which prevent Third World countries from obtaining affordable life saving HIV-AIDS treatments and further urging the United States Federal Government, as a member of WTO, to cease its bilateral attempts to discourage developing countries from using compulsory licensing and parallel importing to address vital public health concerns.


December 13, 1999 Board of Supervisors — ADOPTED

Ayes: 10 - Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

Absent: 1 - Ammiano

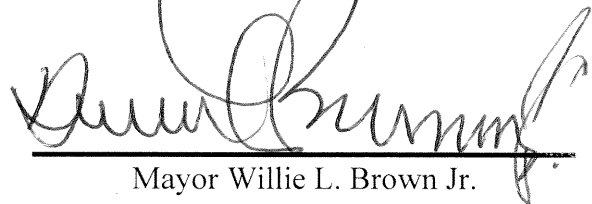
File No. 992247

I hereby certify that the foregoing Resolution was ADOPTED on December 13, 1999 by the Board of Supervisors of the City and County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 23 1999
Date Approved



Mayor Willie L. Brown Jr.