FORUM: ECOSOC
QUESTION OF: Accessibility of patent protected drugs in LEDCs
SUBMITTED BY: UNESCO
CO-SUBMITTERS: Belarus, United Kingdom, United States of America, Angola, Benin, Turkmenistan

THE ECONOMIC AND SOCIAL COUNCIL,

Noting with concern that the 12 most commonly needed drugs are protected by 848 patents,

Observing that within the first 12 months of patent expiring and generics being released, the price of the original drug decreases by 60%,

Recalling the Trade-Related Aspects of Intellectual Property rights (TRIPS) agreement of 1994, administered by the WTO (World Trade Organisation) which establishes minimum copyright and patent lengths while also expounding the scope and limitations regarding exclusive rights,

Recognising that only 34 out of the 54 African states host pharmaceutical production, so just less than 2% of all the drugs consumed in Africa are locally produced,

Having received reports that some nations are planning to increase patent protection on originator drugs to 25 years, increasing its duration relative to the current patent protection period,

Emphasizing the risk of imbalances in pharmaceutical production including both the existence of patent-based monopolies among manufacturers and a highly unequal production capacity among nations,

1. Promotes public-private partnerships in the development of the pharmaceutical industry and generic drug industry in LEDCs and other pertaining member states to give them direct access and power over the specific drugs needed to treat their population;

2. Encourages member states to provide incentives for cooperation between the public and private sector through means such as but not limited to the implementation of tax breaks in return for co-operation from the private sector;

3. Calls for the creation of a World Health Organisation (WHO) sub-body, called the UNDAC (United Nations Drug Accessibility Committee) which would oversee the provision of both patent-protected and generic drugs in member states in accordance with the Trade Related Aspects of Intellectual Property Rights (TRIPS) agreement of 1994, through means of:

a) conducting further research into the international drug market through means such as:

i. forming a group of economists and medical experts with equal representation from the world’s five regions as assigned in the UN Geoscheme and their regional subdivisions

ii. producing a biennial report on the state of the international drug market, noting any increase in the prices of necessary medicines and any monopolies in the drug market as researched by the aforementioned group

iii. recommending price controls, production quotas, or other such measures undertaken by national governments to ensure the affordability and availability of medicines

b) monitor standards set by the World Trade Organisation (WTO) that all international pharmaceutical manufacturing facilities must meet and such facilities should be subject to regular and unannounced inspections when requested

c) managing and distributing UN funds to help member states access medicine, the provision of which will be based on the national GDI of each relevant member state and will follow the following guidelines:

i. the full amount is to be used for the healthcare system of the state

ii. medicine shall be bought from suppliers approved by the WHO's Supply Division, through the provision of UN funds

iii. the cost of medicines for citizens is not disproportionate to the cost for the state;

4. Urges all member nations to submit a quarterly report that can be accessible to the public, to the UNDAC containing all recently submitted drug/medical patents, the patent submitters information, the time of patent submission, information of any pharmaceutical drugs that claim to have similar effects, and any other information that the UNDAC requests of a specific patent;

5. Further Calls for the UNADC to advise any and all LEDCs and other pertaining members states which have not done so already, to adopt legal framework to make use of the Doha Declaration of 2001;

6. Requests all member states to prevent drug prices becoming overinflated through means including but not limited to:

a) creating a price boundary for patent protected drugs in conjunction with the UNDAC and the World Trade Organisation (WTO) based on:

i. the demand of such drug products as researched by the UNDAC and outlined in its produced biennial report

ii. the accessibility to necessary resources to produce such drugs as researched by the UNDAC and outlined in its produced biennial report

b) implementing a tax on the supernormal profit earns of leading pharmaceutical companies to help ensure medicines can be financially accessible;

7. Emphasizes the need to reorganize the distribution network in LEDC's to reduce risk of extra charges and to increase unity through means such as;

a) decreasing the amount of organizations involved in distribution in order to decrease tax, duties and other costs that the drugs currently are subject to due to the amount of stages in their transport due to fragmented supply chains

b) encourage the unification of national suppliers and supply chains (transport, logistics, pharmacies and

hospitals) as a large organization has more bargaining power with big pharmaceutical firms when it comes to negotiating costs;

8. Encourages government owned or government-subsidized storage and production facilities within the country to store and produce generic drugs to;

a) decrease the journey the drug needs to go from producer to consumer, which will decrease the chances of drugs being lost or stolen along the journey

b) increase the reaction speed to natural disasters or epidemics;

9. Further urges to facilitate the process of development of new drugs and treatments that do not correspond with medications already on the market such as orphan drugs through allocating capital investments, through the use of incentives and grants, that are provided by the International Monetary Fund (IMF), the World Bank and overseen by the UNDAC, into the building of new labs and research centers and encouraging private and public research institutions to creating the shared database, which contains the outcomes of experiments with both negative and positive results.

10. Recommends that governments and NGOs be fully transparent about spending on pharmaceuticals needed to treat their population;

11. Suggests regulating patent durations while maintaining an incentive to produce drug products which will be supervised by the World Intellectual Property Organisation (WIPO) in order to ease the production of generic drugs by shortening patent durations to the extent enabled by consenting member states.

12. Requests the extension of TRIPS waiver in LEDCs until all countries develop past the classification of an LEDC. PASSED

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