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PRESS RELEASE

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AS THE CASE BROUGHT BY 39 PHARMACEUTICAL COMPANIES AGAINST THE GOVERNMENT OF SOUTH AFRICA IS ABOUT TO RESTART IN PRETORIA, THE FRENCH NATIONAL AIDS COUNCIL (NAC) REQUESTS THAT THE COMPANIES CONCERNED WITHDRAW THEIR COMPLAINT

In a report adopted in November 2000, **the NAC voiced its support for open access to treatments for HIV/AIDS** (antiretrovirals and medication for opportunistic infections). The NAC considers that access to treatment is a decisive factor in the fight against the HIV epidemic, including prevention, and has clearly stated that **the right to health must enjoy priority over intellectual property rights**.

In the view of the NAC, **the multilateral agreements concerning the protection of intellectual property in world trade** (TRIPS agreements) **must be applied in their entirety**. Parallel imports and compulsory licences are health-related exceptions to the exclusive rights of patent holders, and explicitly provided for in the agreements. It must be possible for countries with limited financial resources to avail themselves of these to cope with the major threat which the HIV epidemic has become in those countries.

Since the beginning of the year, some positive developments have taken place. Thus, the request for compulsory licences made by generic medicine producers, coupled with highly competitive offers, has speeded up the process of bringing down the price of antiretrovirals, whose patents are held by a few companies.

The Pretoria trial does, however, illustrate the limits of this price-reduction process, and one can only regret the lack of transparency in this area.

Announcements of prices reductions go hand in hand with an all-out battle in the courts aimed at **dissuading governments from applying legislation** which gives them the means to acquire medicinal drugs **in accordance with agreed exceptions** to the protection of intellectual property rights.

The price-reduction process must be accompanied by a greater effort on the part of governments in the developing world and of the public and private sector players in this field to make treatments accessible to those affected by HIV. This effort must involve **infrastructures, the training of nursing staff and the search for financing, but also optimum use of patent laws**.

Today, April 17, HIV-positive South Africans are still awaiting affordable treatment. Virtually all are receiving no treatment whatsoever.