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CANADA FINALLY POISED TO DELIVER ON PROMISE OF AFFORDABLE MEDICINES TO DEVELOPING COUNTRIES?

But law must be streamlined to ensure it will be used again

Toronto, May 7, 2008 — The Canadian HIV/AIDS Legal Network welcomed today's announcement that Rwanda's Government, after a competitive tendering process, has chosen to purchase a low-cost AIDS drug from Ontario-based generic pharmaceutical manufacturer Apotex, Inc. — meaning that Canada's Access to Medicines Regime should soon deliver for the first time on its promise of affordable medicines for developing countries.

However, this represents the first success in four years since the law on exporting generic medicines was passed, confirming that the Regime must be simplified if Canada is to play an ongoing role in helping developing countries with access to AIDS treatment or other medicines they need.

"This is great news, and we hope supplies will start moving soon. But Canada's law is riddled with unnecessary hurdles," said Richard Elliott, Executive Director of the Legal Network. "Getting this far has required an extraordinary amount of work by one company and various non-governmental organizations. This is not sustainable. How many lives could have been saved in the meantime if this law had worked smoothly the way it should and could?"

Last year, the Legal Network presented the government and Parliament with a submission containing 13 concrete amendments they could pass immediately in order to make the law truly workable. But in December of last year, the Minister of Industry tabled a long-overdue report in Parliament indicating the government had no plans to make any changes.

"We did their homework for them," said Elliott, "but so far the government has refused to act. What we need is a straightforward system that is user-friendly for both developing countries and for generic manufacturers in Canada. Instead of requiring separate negotiations and a separate licence for each country and each order of medicines, we need a simple 'one-licence solution' such as the one we've proposed."

Based on an agreement hammered out at the WTO in 2003, Canada's Access to Medicines Regime was created by legislation passed unanimously in Parliament in May 2004. It is meant to allow compulsory licensing of patented medicines, so that generic drug companies in Canada can legally produce and export lower-cost versions of patented, brand-name medicines to developing countries. The deal between the Rwandan Government and Apotex, Inc. marks the first use anywhere in the world of this mechanism.

For more information on the Legal Network's proposed amendments to the legislation, see "Getting the Regime Right", the 2007 brief to Parliament, available at www.aidslaw.ca.

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