



International Chamber of Commerce
The world business organization

The Secretary General

Ambassador Vanu Gopala Menon
Chair, Council for TRIPS
Permanent Mission of Singapore
Case Postale 1910
CH1215 Geneva 15
Switzerland

8 August 2003 MLC/DYH/dfc

Dear Ambassador,

ICC, the world business organization, promotes international trade, investment and the open market economy. ICC firmly believes that the protection of intellectual property stimulates international trade, creates a favourable environment for foreign direct investment, and encourages innovation, transfer of technology, and the development of local industry, all of which are essential for sustainable economic growth.

In view of their importance for the business community and the intellectual property system, ICC has been closely following the negotiations for a solution to the problem set out in paragraph 6 of the Doha Declaration, and submitted its views to the TRIPS Council in a paper dated 21 November 2002 (attached).

In the interest of the success of the WTO Cancun Ministerial in September, ICC welcomes efforts to reach a consensus, prior to that meeting, on a solution that will adequately address the particular problems faced by countries with insufficient or no manufacturing capacities in the pharmaceutical sector. In that regard, ICC believes that it is in the interest of all stakeholders to ensure that the solution finally adopted is transparent, provides legal certainty, and contains effective and enforceable safeguards against abuse. This will help ensure that the products produced under the solution are used for intended public health purposes and target countries and populations.

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International Chamber of Commerce

38, Cours Albert 1^{er}, 75008 Paris, France
Telephone +33 1 49 53 28 18 Fax +33 1 49 53 28 35
Website www.iccwbo.org E-mail sg@iccwbo.org



It is therefore essential that the solution contain safeguard mechanisms against re-exportation of the products out of the receiving country and diversion of the products either within the manufacturing country or to other countries. These mechanisms should be transparent, legally enforceable and effective in practice.

An effective review system to provide oversight and a process to address abuses of the system would also increase transparency, ensure that the agreed rules are respected and instil confidence in the system among all stakeholders.

ICC believes that a solution to the Paragraph 6 issue which would permit both receiving countries access to the medicines they need, and right holders to continue to innovate, should take the above considerations into account.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Livanos Cattau', is written over a horizontal line. The signature is stylized and cursive.

Maria Livanos Cattau

Cc: Adrian Otten, Director, Intellectual Property Division, WTO