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Stanford K. McCoy
Assistant U.S. Trade Representative for Intellectual Property and Innovation
Office of the United States Trade Representative

February 15, 2011

Re: FR Doc. 2010-31763

Anti-Counterfeiting Trade Agreement: Request for Comments from the Public

Dear Mr. McCoy,

Enclosed please find “ACTA and Public Health,” a white paper Public Citizen has published through the Program on Information Justice and Intellectual Property at American University’s Washington College of Law. The paper analyses twin public health interests implicated by the Anti-Counterfeiting Trade Agreement (ACTA): access and safety.

The paper refers to the August 25, 2010 draft ACTA text. While some of the ACTA provisions that could negatively affect access to medicines have improved since the August 25 draft, several of the concerns described in our paper remain. For example, several ACTA terms still apply inappropriately to civil trademark infringement, and could potentially inhibit legitimate business including the generic medicines trade, with risks for the access interests that depend on generics.

This paper’s analysis of ACTA and public safety stands in its entirety. Revisions since August 25 have not affected this analysis. Nor have revisions affected the fundamental shortcomings of ACTA’s general intellectual property orientation. ACTA remains at once too broad and too narrow, and on balance a dangerous precedent for global health.

I thank you for your time. I am available to answer any questions or meet at your request.

Sincerely,

A handwritten signature in black ink, reading "Peter Maybarduk". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Peter Maybarduk
Global Access to Medicines Program Director
pmaybarduk@citizen.org

Appendix A – Maybarduk, Peter. 2010. ACTA and Public Health. PIJIP Research Paper No. 9. American University Washington College of Law, Washington, D.C.