



President Barack Obama  
 The White House  
 Washington, DC  
 20 January 2015

Dear President Obama,

We write as American organizations in advance of your trip to India this month to ask you to support India’s central role in providing high-quality, low-cost generic medicines—which are essential for health care around the world. Recent U.S. policy stances have sought to topple parts of India’s intellectual property regime that protect public health in order to advance the interests of multinational pharmaceutical corporations in longer, stronger, and broader exclusive patent and related monopoly rights. India’s laws fully comply with the WTO TRIPS Agreement. Millions around the world depend on affordable generic medicines that would disappear if India acceded to these proposals, including many beneficiaries of US-funded programs. Instead of using your trip to promote the narrow interests of one segment of the pharmaceutical industry, we ask you to support the interests of people who need affordable medicines, whether they live in the U.S., in India, in Africa or elsewhere. Our world is safer and healthier because of India’s pro-health stance and we ask you to say so publicly while you are there.

Today Indian pharmaceutical companies produce 90% of the generic HIV/AIDS drugs used around the world—including the vast majority of the medicines procured by the U.S. President’s Emergency Plan for AIDS Relief (PEPFAR). By reducing the price of treatment by over 96%, generic competition made it possible for you to commit to ending AIDS. Similarly, people facing heart disease, cancer, hepatitis C, and other life-threatening illness around the world, but especially in developing countries, would not be able to afford their medicines were it not for Indian generic companies.

When you were running for office you recognized this, and promised to “support the rights of sovereign nations to access quality-assured, low-cost generic medication to meet their pressing public health needs” and to “break the stranglehold” that a few big drug companies have over these medicines. Today these companies are taking aim against “Section 3(d)” of India’s patent law. Adopted after India joined the WTO, this TRIPS-compliant rule ensures that only truly new inventions are patented—avoiding the issuance of low-quality patents and “evergreening” that expands monopolies and undermines people’s access to medicines. In addition, we know industry is pushing you to pressure India to go beyond its WTO obligations to adopt “data exclusivity,” rules which make clinical trial data submitted to public regulators into another right, creating a monopoly barrier to generic registration and competition even where there is no patent. Dropping Section 3(d) and adopting data exclusivity would reward some of the world’s most profitable companies, not for innovation but simply for having effective lawyers and lobbyists. And it would damage the health of millions.

Finally, we are deeply concerned about proposals for a bilateral investment treaty with India. The current U.S. model bilateral investment treaty contains provisions that would empower disgruntled pharmaceutical corporations to bypass domestic courts and directly seek binding arbitration before international extrajudicial tribunals authorized to order taxpayer compensation for future profits if their expectations are frustrated by government policies or decisions

As President we ask you to stand for more than the interests of a single U.S. industry as you represent our nation in India. From Detroit to New Delhi, health is increasingly interconnected. Our world is safer when it is healthier, and it is healthier because India’s laws appropriately balance health and IP. Will you stand with us for public health and the interests of consumers? We hope you will.