

Rep. Henry A. Waxman
Statement on the Brazilian government's decision to issue
a compulsory license for lopinavir/ritonavir
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Brazil's HIV/AIDS initiative has been recognized by the United Nations AIDS program as one of the best in the world in both treatment and prevention. Working alongside nonprofit organizations, the government has aggressively fought the disease by offering universal antiretroviral treatment. Many of the first-line antiretroviral drugs used in Brazil are locally produced by generic companies, allowing the country to afford to treat tens of thousands of patients.

But other second-line antiviral drugs like the lopinavir/ritonavir combination, efavirenz, and tenofovir have been sold by their brand name producers at a high cost. These three drugs alone consume 70% of Brazil's AIDS budget. According to Brazilian Health Minister Humberto Costa, the Brazilian government pays more than \$2,600 annually per patient to purchase doses of lopinavir/ritonavir.

Some who oppose Brazil's action have claimed that it violates trade rules. In fact, the World Trade Organization's 1994 Agreement on Trade Related Aspects of Intellectual Property specifically permits compulsory licensing. The 2001 Doha Declaration reaffirmed this option, stating, "Each member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted."

As a signatory of the Doha Declaration, the United States should respect the rights of other nations to address important health problems