

B. IMPLEMENTATION OF THE GLOBAL STRATEGY AND PLAN OF ACTION ON PUBLIC HEALTH, INNOVATION, AND INTELLECTUAL PROPERTY

17. The purpose of this progress report is to provide a comprehensive overview of the way in which the *Global Strategy and Plan of Action on Public Health, Innovation, and Intellectual Property* (Resolution WHA61.21 [2008]) is being adapted to the Region of the Americas by employing a regional perspective (Resolution CD48.R15 [2008]), mentioning the principal lines of action, access, innovation, and management of intellectual property rights from a public health perspective.

18. The guiding principles of public health, innovation, and intellectual property rights expressed in the global strategy are gradually becoming an integral part of national pharmaceutical, research, and innovation policies. Subregional integration mechanisms such as the Union of South American Nations (UNASUR), the Andean Health Agency (ORAS), and MERCOSUR (and Associated States) have adopted elements of the global strategy.

19. The Member States continue to exercise leadership in the worldwide discussions on the global strategy. Especially important in this regard is the Consultative Expert Working Group on Research and Development: Financing and Coordination. In January 2011, the WHO Executive Board selected four representatives (Argentina, Brazil, Canada, and the United States of America) out of the 13 candidacies presented by the Member States of the Region of the Americas to form part of the Consultative Expert Working Group.

20. The political will and desire of the Member States and principal regional actors to cooperate has resulted in concrete cooperation activities—in particular, the modality of working in a network. The recently created Health Technology Assessment Network of the Americas, headed by the national health authorities, consists of experts from the Region's collaborating centers and reference institutions to improve the countries' ability to justify decisions on innovation and the adoption, development, and use of health technologies in health systems Through ECONOMED, a bilingual electronic listserv,¹ health authorities access key information for health technology management. The Pan American Network for Drug Regulatory Harmonization (PANDRH) brings national regulatory authorities together to facilitate the drafting of regulatory standards and guidelines.² These networks address highly diverse matters and reflect different priorities

¹ To access the documents, communications, and public materials distributed by ECONMED, visit: www.paho.org/econmed

² To learn about the current situation, historical trajectory, and groups currently active in the network, visit: http://new.paho.org/hq/index.php?option=com_content&task=view&id=1054&Itemid=513&lang=en

ranging from the use of medicinal³ plants to biotechnology,⁴ from health and innovation in the Pan-Amazon region⁵ to the conducting of major clinical trials.

21. In the Region, managing intellectual property rights from a public health perspective remains a priority. Bolivia and Paraguay have adopted an instrument known as “advance consent” for evaluating patent requests. A major development has been the ceding by the U.S. National Institutes of Health of an antiretroviral drug patent to the patent pool created by the International Drug Purchase Facility (UNITAID). The flexibilities provided in the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) have been used in the Region: in Ecuador, with the use of mandatory licenses by the national authorities, and in Colombia, with the government’s announcement of its decision to use the parallel import mechanism.

22. Eleven Member States have begun analyzing the legal and institutional health frameworks connected with the management of intellectual property rights. The information gathered is being analyzed in each country under the aegis of the health authorities to improve coordination between health and other sectors in the management of intellectual property rights with a view to improving access and health.⁶

23. In response to the official request from the countries of the Region, PAHO has offered assistance through a range of activities in the areas of trade and access to essential medicines, supporting training workshops in Central America and the Caribbean attended by representatives of the ministries of health and other national actors. It has provided support to Argentina’s Ministry of Health in offering a course on public health and intellectual property to train public officials from the ministries, regulatory agencies, and other entities. It has also provided assistance for a study on pharmaceutical policies, the regulation of intellectual property, and access to drugs, in collaboration with CARICOM and other Caribbean countries.⁷

24. The renewed interest in promoting the creation of national innovation systems has led the countries and principal actors in the consultative processes to actively participate

³ Information available at:

http://new.paho.org/hq/index.php?option=com_content&task=view&id=1587&Itemid=513

⁴ To view the work plan, members of the Group, and latest publications, visit:

http://new.paho.org/hq/index.php?option=com_content&task=view&id=1587&Itemid=513

⁵ To view the network’s objectives and mission, visit:

<http://panamazonica.bvsalud.org/php/index.php?lang=en>

⁶ Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Peru. Information on the project and its scope can be found at:

http://new.paho.org/hq/index.php?option=com_content&task=view&id=2781&Itemid=1178&limit=1&limitstart=2&lang=en

⁷ The report on the regulatory situation, management of intellectual property, and access to medicines in the CARICOM countries (and the Dominican Republic) is under review by the pertinent CARICOM bodies.

in aspects key to the implementation of the global strategy. The meeting on innovation to fight neglected diseases, which was part of the Global Forum for Health held in Cuba in November 2009, and the consultation on promoting research and development for health products, held in Panama in September 2009⁸, are clear examples of that interest.

25. The regulatory framework and capacity building to facilitate technology transfer were topics also addressed during a consultation held in Uruguay in October 2010,⁹ and another in Mexico in May 2011 on the production of influenza vaccines. Finding the right incentives to bridge the innovation gaps that impact the most vulnerable sectors of the population has also been a matter of concern. PAHO's proposal to create an incentive for innovation to fight neglected and priority diseases has sparked the countries' interest.

26. Country activities to improve access to health technology are grounded in the principle of integrating interventions in access and innovation; they include:

- (a) integrating supply systems in El Salvador and the Dominican Republic;
- (b) increasing and improving the efficiency of public drug financing through the People's Pharmacy Program in Brazil;
- (c) increasing the transparency of pharmaceutical markets through the creation and use of price banks to support public procurement of medicines in MERCOSUR, Central America, Peru, and Colombia;
- (d) evaluating current sanitary regulatory mechanisms in Mexico through the Federal Commission for Protection against Sanitary Risk (COFEPRIS), and specifically, the system for the linkage of patents and medicines to achieve access to medicines and their availability on the market;
- (e) promoting rational use by creating multidisciplinary national programs in Bahamas, Bolivia, Nicaragua, and Paraguay;
- (f) assisting the Central American countries in the negotiation and joint procurement of costly drugs, with support from the Regional Revolving Fund for Strategic Public Health Supplies, to improve access to these supplies; and
- (g) strengthening regulatory capacity to guarantee the safety, efficacy, and quality of drugs in the Caribbean countries, Colombia, Cuba, Honduras, Panama, and Peru.

⁸ A summary of the meeting can be accessed at:

http://new.paho.org/hq/index.php?option=com_docman&task=doc_download&gid=8796&Itemid=

⁹ A summary of the events at the International meeting on technology transfer and health innovation in the Americas can be accessed at:

http://new.paho.org/uru/index.php?option=com_content&task=view&id=245&Itemid=230

27. Today, the Region has four regulatory authorities for regional reference (Resolution CD50.R9 [2010]) to strengthen capacity and the regulatory functions in the Member States.

28. Integrating the multiple initiatives and work areas of the global strategy implies major challenges. In addition to improving access, having a participatory space with reliable and pertinent information will help to strengthen the capacities necessary to implement all the activities required for innovation in health. Therefore, PAHO, in collaboration with the Member States, international organizations, and key actors, is developing a Regional Platform for Access and Innovation for Health.¹⁰ This platform will serve as an integrating instrument and channel for promoting the cooperation, work in networks, transparency, and information flows necessary for promoting leadership, innovation, access, and rational use in the field of health technology, as well as the sharing of information on the initiatives included in the global strategy.

29. The Member States of PAHO have displayed a serious commitment to comprehensive implementation of the strategy. The 49th Directing Council of PAHO provided complementary tools with its adoption of the *Policy on Research for Health* (Resolution CD49.R10 [2009])¹¹ and Resolution CD49.R19¹² (2009) on the elimination of neglected diseases and other poverty-related infections.

Action by the Directing Council

30. The Directing Council is requested to take note of this progress report and offer its recommendations in this regard.

¹⁰ Available from:

http://new.paho.org/hq/index.php?option=com_content&task=view&id=2168&Itemid=1178&lang=en

¹¹ Resolution CD49.R10 (2009), *Policy on Research for Health*, [online] is available at:

http://new.paho.org/hq/index.php?option=com_docman&task=doc_download&gid=3093&Itemid=

¹² Resolution CD49.R19 (2009), *Elimination of Neglected Diseases and Other Poverty-related Infections* [online] is available at: [http://new.paho.org/hq/dmdocuments/2009/CD49.R19%20\(Eng.\).pdf](http://new.paho.org/hq/dmdocuments/2009/CD49.R19%20(Eng.).pdf)