



## **KEI Europe intervention: TTIP Stakeholder events Round 12, Brussels (24 February 2016)**

### **A Positive Agenda for TTIP - What we would like to see in the TTIP that would expand access to knowledge?**

#### 1) Marrakesh Treaty ratification

The TTIP should include an obligation to ratify and to implement the WIPO Marrakesh Treaty for Persons Who Are Blind for Otherwise Disabled, in order to expand access to accessible works to persons with disabilities in the European Union and the United States, as well as in other countries.

2) The TTIP could ensure that there are robust exceptions for quotations and news of the day, the two mandatory exceptions in the Berne Convention on copyright. Moreover, the TTIP should ban the use of ancillary copyright on quotations or news of the day, as a restrictive trade practice, and a measure that denies the benefits of the mandatory exceptions in the Berne Convention.

3) The TTIP should provide for the progressive implementation of expanded open access to published articles that are based on publicly funded research, building up the best practices in the TTIP member states. We suggest that the TTIP create a schedule of government agencies that commit to placing open access provisions into grants, and that every two years, the schedule be revised to expand the commitments.

4) The TTIP should provide for reasonable pricing provisions on patents derived from public sector research, and extend the benefits of policies on the licensing of patents derived from publicly funded research to all TTIP member states.

5) The TTIP should require member states to address orphan works with a commitment to implement policies over time that progressively expand access to orphan works.

6) The TTIP should declare that all governments rules, regulations and statutes are free of copyright.

7) The TTIP should have a chapter on the supply of public goods, including knowledge goods, to expand funding and cross border collaboration on the production of science as a public good.

8) The TTIP should have a provision that defines the copyright 3-step test in a way that expands access to knowledge.

9) The TTIP should require members to progressively implement sufficient exceptions in copyright and related rights to enable data mining.

10) The TTIP should provide for collaboration on funding clinical trials to provide independent evidence of the benefits and risks of drugs, and also to facilitate the introduction of low cost biosimilar drugs with open source know-how and competitive supplies.

11) The TPP should mandate research exceptions for patents.

12) The TTIP should mandate better transparency of the patent landscape on new medicines, including biologics.

13) Rather than focusing on stronger and stronger intellectual property rights, and higher drug prices, the TTIP could focus on other measures that fund R&D. For example, right now the United States alone provides a hefty tax credit to offset the cost of clinical trials for Orphan Drugs, including 9 of the 10 new cancer drugs approved in 2014. The NIH remains the most important funder of medical research, through grants and contracts. Some governments are experimenting with innovation inducement prizes to reward successful R&D efforts. We must recognize the value of these and other approaches to funding R&D, and implement new global agreements to expand R&D funding without raising drug prices. Ultimately, we must fully delink R&D costs from drug prices, in order to expand access, improve health outcomes, and save costs.

14) The TTIP should provide for collaboration between the US and EU on standards for requiring technology transfer for the manufacturing know-how for biologics, so that there is robust competition for affordable products after the initial monopoly period.

15) The TTIP should create an enabling environment to foster better access to data on the prices of medicines and vaccines, revenues, R&D costs and marketing costs. (read our UN HLP submission for background).

16) The TTIP should not undermine the rights of whistleblowers, or the ability of governments to expand the transparency of business information, or promote access to know-how, software code or protocols, or other knowledge, when such disclosures are in the public interest.

17) The TTIP should address tax avoidance by big companies, and provide for an agreement on taxing multinational corporations modeled after the US multistate tax commission, to ensure that companies pay adequate taxes, by allocating global profits among countries based upon formulas that take into factors such as the employment and sales in each country, and through

joint audits. There should also be an effort to prevent a race to the bottom in corporate tax policies, with minimum tax rates.

See: <http://www.mtc.gov/The-Commission/Multistate-Tax-Compact>