

Aids controversy



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The problem of AIDS in poor countries in Africa had been one of the major health problems the world is facing. Needless to say, many have died without even having undergone medication.

Perhaps one of the most pressing issues involving this problem is the commitment of big pharmaceutical companies in the United States to give away free AIDS treatments to poor African countries ridden with AIDS in exchange for its continued patent protection.

The question now arises on whether this scheme of giving away free AIDS treatment would strike a balance in its continued patent protection vis-à-vis the continuing problem of AIDS in poor African countries.

A number of international non-governmental organizations have launched campaigns against pharmaceutical giants engaging in a long term endeavor to widen the access of poor people to essential medicines, to attain significant reductions on the prices of brand medicines from big pharmaceutical companies, and to support the sale and production of generic drugs (Poku, Whiteside, and Sandkjaer, 2007).

The issue of patents on pharmaceutical products have started in the negotiations at the World Trade Organization. The WTO's Agreement on Trade Related Aspects of Intellectual Property Rights that took effect in 1995 compels countries to include pharmaceutical products and practices in patent protection after a phase-in period associated to the level of development (Newfarmer, 2003).

International intellectual property patents assure a 20-year market monopoly for new products and processes (Finkel, 2007). Given this, no other

company can enter the same market, limiting the market competition to those who have patents.

“ The protection of intellectual property in the biosciences on a global level has to deal with very different contexts and situations.” (Lenk, Hoppe, and Andorno, 2007).

At first glance, it seems that the pharmaceutical companies are doing an altruistic effort in providing free access to AIDS treatment in poor African countries, which are ridden with AIDS epidemic in spite of the fact that they were only compelled to do so by the United States government.

The main question here is not whether it is proper for the United States government to compel these pharmaceutical companies but rather on whose interests are better served with this scheme of giving away free AIDS treatment in exchange for continued patent protection.

The continued patent protection of drugs relating to AIDS, in spite of the efforts to distribute free medications on AIDS in poor African countries, has detrimental effects to the victims themselves.

Aside from the victims, the market itself for pharmaceutical products and processes will also suffer as they will be ruled by a monopoly of patent-holding pharmaceutical companies.

The continued patent protection would further limit the access of people to AIDS treatment.

If the patent protection for pharmaceutical companies is to continue, this will limit the opportunities for other pharmaceutical companies to develop their own medication for AIDS treatment.

If there will be no other pharmaceutical company that will come up with a treatment for AIDS, those infected with the disease will have no other option but to buy the only product in the market despite its high price.

If the patents will be lifted, this will benefit not only those in the poor nations but everyone who has been infected with the disease as they will enjoy the benefits market competition will bring.

The absence of patent protection will give other pharmaceutical companies the opportunity to develop their own products and processes aimed at treating AIDS infection. If this happens, there will be more products available in the market. More similar products in the market will compel pharmaceutical companies to lower their prices.