



## **Kiev Resolution on Intellectual Property and Access to Medicines**

September 22, 2009  
Kiev, Ukraine

The following resolution was adopted today in Kiev, Ukraine, by about 50 participants at a joint civil society-government training on intellectual property and access to medicines in Eastern Europe and Central Asia:

1. Having engaged in a Eastern Europe and Central Asia Regional Workshop on Access to Essential Medicines, HIV and Intellectual Property, 21-22 September 2009, Kyiv, Ukraine, sponsored by the United Nations Development Programme and the Open Society Institute and attended by representatives of governmental agencies and ministries of health, economy and trade, justice, intellectual property offices, civil society and experts from Armenia, Georgia, Kazakhstan, Russia, Ukraine and Tajikistan, as well as international organizations and experts,
2. Alarmed by the low levels of access to antiretroviral therapy and other needed treatments in the region and the rising costs of such needed medicines, and concerned about ensuring the sustainability of current treatment programs;
3. Concerned by the regional trend toward expanding intellectual property and registration “data exclusivity” monopolies and their potential to significantly raise prices of and reduce access to needed medicines, including by interrupting existing supplies of medicines;
4. We recommend that governments, legislators, civil society, multilateral and bilateral assistance and aid organizations, academic and research organizations consider the following actions:
  - a. Recognize that bilateral and multilateral trade agreement commitments on intellectual property and pharmaceutical test data exclusivity pose a serious and imminent threat to raise prices and reduce access to medicines, diagnostics and devices in the region if the full range of mechanisms to prevent excessive pricing are not used and the best practices and experiences from other countries of the world are not studied and adopted;
  - b. In the process of negotiation and implementation of any bilateral or multilateral trade agreements involving commitments on intellectual property rights or

pharmaceutical test data exclusivity, each country should study the impact of such agreements and establish and provide for the regular work of a Public Health and Intellectual Property National Advisory Council composed of representatives of all affected ministries (including health, justice, intellectual property, economics and trade), civil society organizations, academic and research organizations and local and international experts to advise government and make recommendations on how to protect and expand policies that promote access to quality medicines, diagnostics and devices;

- c. Work with the United Nations Development Programme, the World Health Organization and other relevant international organizations, donors and experts to support the establishment and technical capacity of Public Health and Intellectual Property Advisory Councils, including by sharing information on models of such structures from other countries and by providing regional and national technical assistance workshops on how to negotiate and draft rules that protect, implement and expand flexibilities in international trade, patent and registration laws that further access to quality medicines, diagnostics and devices.