



22 March 2010  
Cairo

Dr. Hatem al-Gabali  
Minister of Health

Dear Sir,

The Egyptian Initiative for Personal Rights, a non-governmental organization concerned with the right to access medicines as an integral part of the right to health, wishes to express its concern at the approach adopted by a workshop on fighting counterfeit in the medical sector, held by the Ministry of Health's National Training Center in February. The workshop was titled "He Who Sees Fraud and Remains Silent Is an Accomplice."

The workshop was mandated to address the issue of combating the spread of counterfeit drugs that may be harmful or even fatal to patients in Egypt. We regret, however, that the workshop and the resulting recommendations failed to adopt a sound approach to address this important issue. In its recommendations, the workshop called for combating what it termed "copied versions of medicines," a term that could be understood as a reference to safe, relatively cheaper generic drugs. We thus fear that the recommendations may be understood as a call to rely solely on originator brand drugs.

The EIPR welcomes the Ministry of Health's concern with the quality, safety and effectiveness of medicines, as well as the Ministry's support for a workshop held to stop the spread of counterfeit drugs. Nevertheless, we are concerned about the workshop's first recommendation "to confiscate and destroy all counterfeit and **copied versions of drugs**" because this formulation equates counterfeit drugs made on the black market with "copied versions of medicines." As you know, counterfeit medicines often resemble medicines in appearance only: their producers intentionally mislead patients and, in turn, put their health at risk with the ultimate goal of making the largest profits possible. On the other hand, in the absence of a precise definition of this class of drugs, the odd phrase "copied versions of medicines" could be understood to include generic drugs, which are 100% safe, have the same effectiveness as originator brand drugs and are approved by the Ministry of Health itself. Egyptians rely heavily on this class of drugs

because they are cheaper than the originator brand ones. This confusion might lead patients and consumers to doubt the quality of generic drugs.

Furthermore, in light of the recommendation to increase the penalties for counterfeiters, this confusion may lead businessmen and investors to be reluctant to deal with the generic drug market, fearing prosecution for counterfeiting. This will leave the drug market entirely to high-priced medicines and shut out safe, less costly generic drugs. Indeed, this terminological confusion has been used globally by multinational pharmaceutical companies to approach the issue of counterfeit drugs as an issue of intellectual property rights violation, thereby seeking to strengthen intellectual property rights protections to combat an issue that is first and foremost a public-health issue, not an intellectual property one.

The EIPR is dismayed by the prevalence of private interests in matters of public health and warns against adopting recommendations that promote originator brand drugs and that raise doubts about less costly generic drugs. As its ninth recommendation, the workshop urged “rights holders and medical producers to decrease the prices of their goods (...) as a means of combating counterfeiting in the medical sector.” This formulation further suggests that less costly medicine are counterfeited, which misleads patients and weakens their trust in all but expensive drugs. In turn, instead of encouraging access to quality drugs at affordable prices, the approach of the workshop casts doubt on all less costly drugs, leaving patients trapped and confused: unable to trust less costly drugs, they still cannot afford the high-priced alternatives.

We urge you to take rapid, effective steps to end this terminological confusion and take action to combat the spread of counterfeit drugs that are harmful to citizens’ health from a public-health perspective, rather than using an approach that serves the interests of pharmaceutical companies holding patents. This is consistent with the approach the Egyptian government has long followed when addressing intellectual property rights issues locally and in international forums.

Respectfully yours,  
Hossam Bahgat  
Executive Director  
The Egyptian Initiative for Personal Rights