



28 July 2011

Dear Ellen 't Hoen,
Executive Director
Medicines Patent Pool (MPP)

CC: MPP Board of Directors,
UNITAID Board of Directors

We write to you as Chairperson of the ITPC Global Advisory Board;
Executive Director of ITPC; and the Directors of I-MAK.

Attached, is the joint analysis of the licenses and agreements that
the Medicines Patent Pool (MPP) entered into with Gilead that we issued
which you already have had sight of.

You will be aware that a number of ITPC Global Advisory Board
Members have been contacted by MPP staff regarding this joint analysis, and
we are now writing to you to request a meeting between representatives of
the MPP and the ITPC's Executive Director, Chairperson's office, regional
representatives and I-MAK.

We consider that this is most appropriate way forward, because, as you will
appreciate, the ITPC is a global network with member organisations and
members including people living with HIV, as well as a Global Advisory Board,
located in several countries around the world.

We believe that this meeting also needs to include other civil society
representatives, PLWAs and organisations that are part of the
ITPC network, and in particular, civil society representatives and PLWAs
from Asia, Africa and Latin America many of whom -even before we released
our analysis –independently raised concerns and criticisms about the
licenses and agreement through their open letters.

In addition, in advance of and to inform such a meeting, we hope the
MPP and other entities mentioned in our paper will respond in writing to all of
our detailed concerns and questions. There are, in our (and others) view,
serious issues that require proper engagement with a more extensive
response than we have so far received from your offices.

In particular, we are very concerned about a reported suggestion that the MPP may be under an extremely tight deadline of September 2011 to conclude several other licenses, and that this deadline may force the MPP to use the Gilead license as a template for all such agreements. As is evident from our joint analysis, neither ITPC or I-MAK considers the Gilead license as an appropriate model to improve equitable comprehensive global access to HIV treatment.

We also do not believe that we have made 'misrepresentations' in our analysis and stand by its accuracy and our legitimate attempt to engage deeper on critical issues that affect our global constituencies and us. We also do not agree with the MPP's unfortunate description of our legal analysis as 'poor'.

In this respect kindly note that we have had several calls of support from several and various individuals and organisations including lawyers and legal professionals in the North and South who concur with our views and support our rigorous legal analysis. We too believe that our analysis is considered and constructive. Of course, you are entitled to respectfully and meaningfully disagree should you feel otherwise about the substantive aspects of our analysis.

We therefore want to reiterate -- as we did in our analysis of the licenses-- that the paper and our analysis legitimately concerns itself with the licenses and is not directed at the integrity of the staff of and/or the mission and objectives of the MPP and UNITAID.

Finally, as ITPC, we would also like to note that whilst we are encouraged that the MPP has met or invited the ITPC's Executive Director to meetings in the past few months, including asking for representation /participation at the upcoming UNITAID Board meeting (which the ITPC is considering), these meetings were not done with any reference to the pre-negotiation phase of the licenses nor in respect of the actual agreement with Gilead and/or any other pharmaceutical company.

We look forward to your detailed written response to the issues we have raised in our analysis as we move towards more meaningful and constructive engagement.

If you have any questions please do not hesitate to contact Sarah Zaidi on Szaidi@itpcglobal.com

Sincerely,



Rolake Oyetoyinbo
Chair of ITPC
ITPC



Dr. Sarah Zaidi
Executive Director of ITPC
ITPC



Tahir Amin
Co-Founder and Director
Initiative for Medicines,
Access & Knowledge (I-MAK)



Priti Radhakrishnan
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