

Congress of the United States

Washington, DC 20515

July 31, 2008

The Honorable Susan C. Schwab
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Schwab:

We urge you to stand with American workers, ideas, and innovation in your response to the Royal Thai government's decision to issue compulsory licenses on patent-protected U.S. medicines. To help keep American innovation and knowledge-based jobs in the United States, it is essential that the U.S. Government continue to stress that such licenses not be issued lightly.

Beginning in November 2006, the Thai Ministry of Public Health issued a series of compulsory licenses on a range of patented medicines developed by U.S. companies. Within the past few months, the Ministry confirmed its intention to continue issuing compulsory licenses on U.S. medicines, including several that treat cancer and cardiovascular disease. In doing so, Thailand relies on provisions in the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights ("TRIPS") that allow countries to issue compulsory licenses in certain specific circumstances.

We strongly support WTO rules that recognize the rights of countries to consider actions, including compulsory licensing, to address urgent public health needs, such as those resulting from HIV/AIDS, tuberculosis, and malaria. But we do not believe that WTO members intended those rules to be used to allow compulsory licenses as a matter of standard government policy, especially without any meaningful prior consultation with the patent holders. Furthermore, it should not be the policy of the United States to encourage nations to expropriate U.S. intellectual property through compulsory licenses or other similar means.

We agree, as you state in the 2008 National Trade Estimate, that any country contemplating issuing a compulsory license must carefully weigh and "address judiciously the complexities of the relationship between health and intellectual property policy and to do so in ways that recognize the role of intellectual property in the development of new drugs."

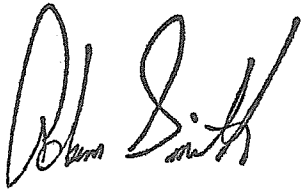
While we respect the Thai Government's right to take measures to protect public health, we also believe firmly that strong protection of intellectual property rights is necessary in order to continue fueling the innovation that leads to the development of life-saving medicines. The need for a continued strong response from the U.S. government on compulsory licensing is underscored by the suggestion of some that countries issue them

with greater frequency and in areas other than medicines, including medical devices and even patented environmental technologies.

We believe that strong intellectual property protections are critical not only to ensure that investments continue to be made in these and all areas of scientific discovery that serve to improve our lives, care for the sick, and combat global warming, but also to promote innovation in the U.S., create jobs and support our economy. Encouraging other countries to issue compulsory licenses, essentially expropriating the ideas and inventions of Americans, undermines the innovation-based economy that we must have if we are to succeed in the global economy.

Thank you for your principled and balanced approach on this complex issue, and for defending American innovation in your response to Thailand's actions on intellectual property protection.

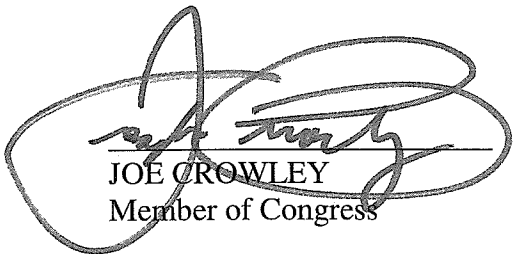
Sincerely,



ADAM SMITH
Member of Congress



RON KIND
Member of Congress



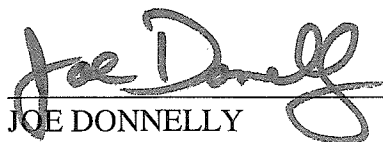
JOE CROWLEY
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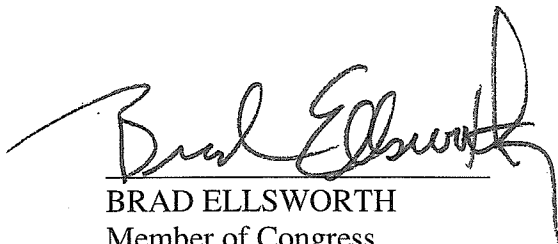
ARTUR DAVIS
Member of Congress



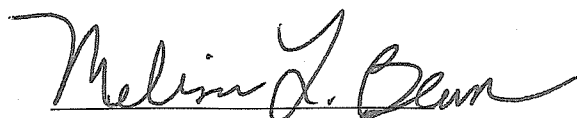
ELLEN TAUSCHER
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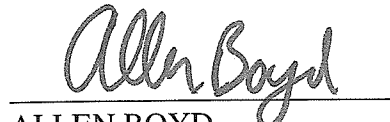
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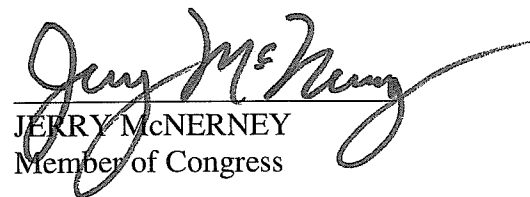

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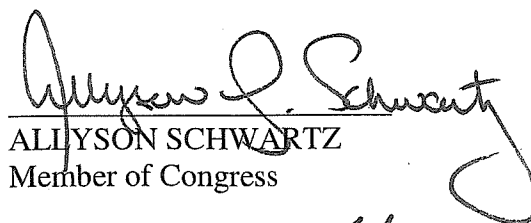

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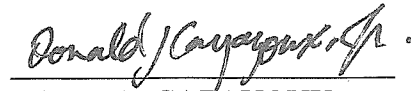

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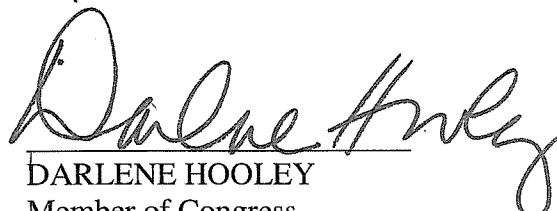

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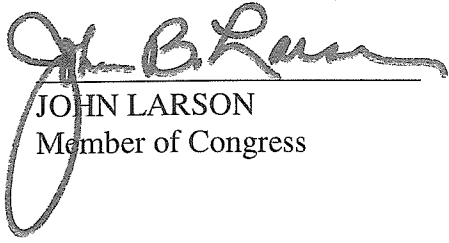

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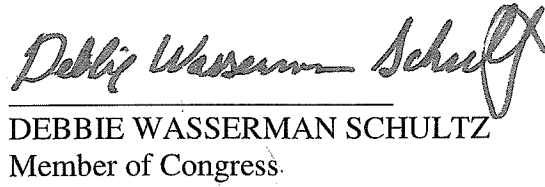
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Member of Congress



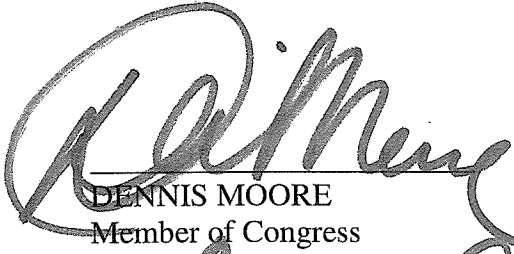
NICK LAMPSON
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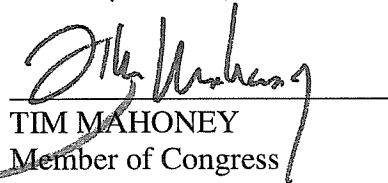
ZACHARY SPACE
Member of Congress



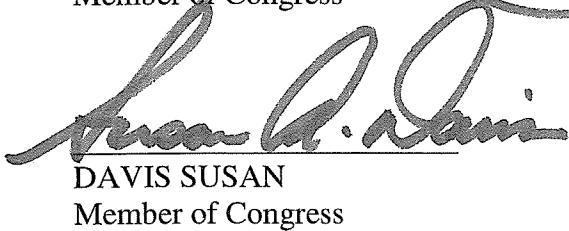
DEBBIE WASSERMAN SCHULTZ
Member of Congress



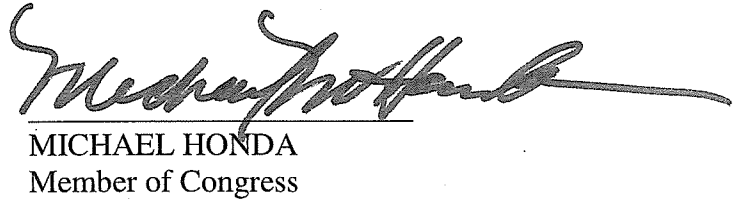
DENNIS MOORE
Member of Congress



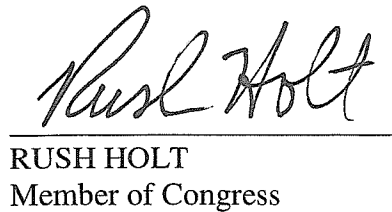
TIM MAHONEY
Member of Congress



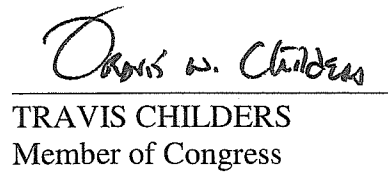
DAVIS SUSAN
Member of Congress



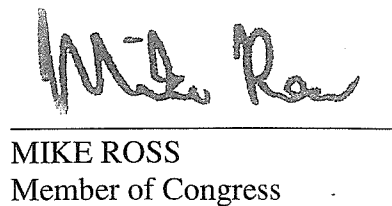
MICHAEL HONDA
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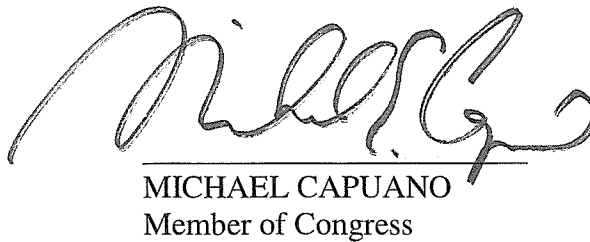
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