

Costly Drugs Cost Lives

“The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”

– WHO Constitution, Preamble



Patents are not ends in themselves. They are justified only to the extent that they improve the lot of individuals in the societies which grant them. When patents no longer serve that role, their existence is antithetical to the basic principles of democracy, and their enforcement becomes a weapon against the common good.

The Intellectual Property Owners Association (IPO) represents the intellectual property “haves” of the world, but who is here to represent the “have-nots”? Patients not Patents urges all lawyers, judges and policymakers to consider the following:

- More drug company revenue goes to marketing and profits than to research and development.¹ According to a Families USA report “Profiting from Pain,” pharmaceutical giant Merck, for example, allocated three times as much of its 2001 revenue to profit as to R&D.² Merck also allocated two and a half times as much revenue to advertising as to R&D. For each dollar of revenue, a mere five cents went to R&D.
- Drug companies have an extensive rap sheet, as they and their representatives continually engage in price gouging,³ deceive officials at patent offices,⁴ and violate antitrust laws.⁵

¹ A thorough analysis is available at <http://www.citizen.org/documents/dbbapril.pdf>; also see Angell, Marcia, “The Truth About the Drug Companies: How They Deceive Us and What to Do About It,” Random House (2004); Gozner, Merrill, “The \$800 Million Pill: The Truth Behind The Cost of New Drugs,” University of California Press (2004).

² Available at <http://www.familiesusa.org/site/DocServer/PPreport.pdf?docID=249>

³ For a list of active litigation and settlements, see <http://www.prescriptionaccess.org/>

⁴ For example, see http://www.patientsnotpatents.org/purdue_inequitable.htm

⁵ For example, see http://www.patientsnotpatents.org/mylan_antitrust.htm

Drug Company Patent Translator

| When they say... | They mean... |
|---------------------------|---|
| Life-cycle management | Blocking consumer access to generic drugs by bringing frivolous suits and obtaining multiple patents on almost identical products. |
| Method-of-use patents | Obtaining multiple patents on identical products, which differ only in marketing. |
| Medical procedure patents | Preventing doctors from using therapeutic, diagnostic or surgical procedures without first paying a fee. This type of patent is banned in 80 countries and considered unethical by the World Medical Association. |
| Metabolite patents | Turning patients into patent infringers when their body processes the drug, even though the drug itself may not be patented. |
| Natural source | A substance traditionally known to indigenous people to provide health benefits. Indigenous people are usually uncompensated for their expertise. |

“The **patent** laws are not the private **sandbox** of pharmaceutical companies”

Judge Schiller, 207 F. Supp. 2d 356, 375

www.PatientsNotPatents.org