June 20, 2023

Dr. Guillermo Alfonso Jaramillo
Minister of Health
Republic of Colombia

Dear Minister Jaramillo,

We are representatives of organizations worldwide that support access to medicines, as well as experts, activists, lawyers and academics in the fields of intellectual property and public health. We commend your decision to expand affordable access to HIV treatment, stand for health justice and evaluate a public interest declaration to license dolutegravir patents. A declaration leading to compulsory licenses can facilitate generic competition, reducing prices and increasing access to medicine. We urge the Ministry of Health and the Superintendency of Industry and Commerce to proceed with the declaration.

The high prices of patented medicines impose a major burden on health systems, leading to rationing of treatment and other health services. In the case of HIV/AIDS, high prices impede the goal of an AIDS-free generation and contribute to preventable suffering and death. From 2018 to 2022, the number of new HIV cases in Colombia increased by 31 percent.\(^1\) Over 126,000 people, or 74 percent of those living with HIV use anti-retroviral therapy.\(^2\) WHO recommends dolutegravir as part of a first-line treatment regimen against HIV. Because of fewer adverse effects, improved effectiveness and safety, and a lower likelihood of resistance development, dolutegravir-based regimens have demonstrated higher adherence.\(^3\) According to Resolution 881/23, generic competition for dolutegravir may allow for cost reductions of more than 90%.

International law and policy support Colombia’s right to issue compulsory licenses to promote the public interest, especially the right to health, which includes access to affordable medicines. Article 31 of the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) allows all WTO members, including Colombia, to issue compulsory licenses at any time for reasons of their choosing. In compulsory licensing cases, the only compensation due to patent holders is a reasonable royalty, which governments can determine at their discretion.

The WTO Declaration on the TRIPS Agreement and Public Health reaffirms this interpretation in Article 31 and its importance for health. The "Doha Declaration" explicitly recognizes the impact of intellectual

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1. Colombia Ministry of Health and Social Protection Resolution 881 of 2023
2. [https://cfs.hivci.org/index.html](https://cfs.hivci.org/index.html)
property on drug prices and states that countries' patent obligations under WTO rules "should be interpreted and applied in a manner that supports the right of WTO Members to protect public health and, in particular, to promote access to medicines for all."

Issuing a compulsory license for dolutegravir is entirely consistent with the terms of Colombia’s trade and investment agreements. For example, the U.S. - Colombia Trade Promotion Agreement expressly incorporates certain public health safeguards into the treaty and preserves Colombia's right to license patented inventions. Licenses do not “expropriate” the property of patent owners. Furthermore, licenses do not prevent patent holders from continuing to sell their products, prohibit unlicensed uses of the invention, or prohibit unlicensed parties from using the invention.

This letter should put to rest any concerns regarding the international legitimacy of compulsory licensing. We commend Colombia’s efforts to ensure access to medicines for all.

Sincerely,

**Latin America organizations**
Acción Internacional por la Salud AIS Perú
AGANIM
AIDS Healthcare Foundation Colombia
ASOCIACIÓN CIVIL CAMBIO Y ACCIÓN
Asociacion Construyendo Caminos de Esperanza frente a la Injusticia, el Rechazo y el Olvido (CCEFIRO Peru)
Asociación de Pacientes de Alto Costo
Asociación Por la Vida (ASOVIDA)
AVISA (Associação Vida e Saúde)
Cátedra Cultura de Paz / Universidad de Los Andes
Corresponsales Clave
Foro de la Sociedad Civil en Salud de la Región Callao. FOROSALUD CALLAO
Fundación Acción Positiva por la Vida
Fundación Amigos por la Vida
Fundación Ecuatoriana Equidad
Fundación Grupo Efecto Positivo
Fundación IFARMA
Fundacion Procrear
GHP Corp
Grupo de Resistência Asa Branca - GRAB
Grupo de Trabalho sobre Propriedade Intelectual (Brasil)
Internacional de servicios publicos Inter-Americas (ISP-IA)
International Treatment Preparedness Coalition Latin American and Caribbean
Global organizations
AIDS Healthcare Foundation
APCASO
Architectes de l'urgence
ARROW
AVAC
Campaign for Access to Medicines, Diagnosis and Devices (CAMD), India
Centre for Family Health Initiative (CFHI)
DAWN (Development Alternatives with Women for a New Era)
DISABILITY PEOPLES FORUM UGANDA
Frontline AIDS
Gender Studies and Human Rights Documentation Centre
Geneva Graduate Institute
Global Fund Advocates Network (GFAN)
Global Justice Now
Health Action International (HAI)
Health Poverty Action
International Treatment Preparedness Coalition (ITPC)
International Treatment Preparedness Coalition Middle East and North Africa
Just Treatment
Kamukunji Paralegal Trust (KAPLET)
Masimanyane Women's Rights International
Medact
Médecins Sans Frontières (MSF) Access Campaign
National Commission for Human Rights
Nepal National Dalit Social Welfare Organization (NNDSWO)
NETWORK Lobby for Catholic Social Justice
OXFAM
Pakistan Fisherfolk Forum
Partners In Health
Peace and Development Organization
Penabulu Foundation
People's Health Movement
People's Vaccine Alliance (PVA)
People's Vaccine Alliance Africa
People's Vaccine Alliance Asia
PrEP4All
Public Citizen
Shirkat Gah
South Asia Alliance for Poverty Eradication (SAAPE)
STOPAIDS
Sukaar Welfare Organization
Third World Network
Women's Action Forum
Women's Christ Against Cancer in Malawi (WOCACA)
Women's Regional Network
Workers Education and Research Organization

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