

**Boehringer-Ingelheim response re alleged advocacy campaign by Innovative Pharmaceutical Association of South Africa (IPASA) opposing South Africa's efforts to introduce intellectual property reforms aimed at increasing access to essential medicine:**

**19 February 2014**

*Business & Human Rights Resource Centre invited Boehringer-Ingelheim to respond to the following items:*

- "South African pharma firms accused of delaying patents law reforms", Guardian [UK], 17 January 2014  
<http://www.theguardian.com/world/2014/jan/17/south-african-pharma-accused-delay-patents-law-reform>
- "New leaked Merck missive reveals deep drug, medical device company opposition to South African patent reforms", KEI, 20 January 2014  
<http://keionline.org/node/1908>
- "'Genocidal' drug patent plot angers doctors, rights groups"  
<http://www.timeslive.co.za/politics/2014/01/17/genocidal-drug-patent-plot-outrages-doctors-rights-groups>
- "Leaked pharmagate emails prove big pharma involvement in scandal"  
<http://www.tac.org.za/news/leaked-pharmagate-emails-prove-big-pharma-involvement-scandal>
- "TAC, Section27 and MSF react to Pharmagate"  
<http://www.fixthepatentlaws.org/?p=823>

**Comment to Business & Human Rights Resource Centre by Boehringer-Ingelheim re alleged advocacy campaign by Innovative Pharmaceutical Association of South Africa (IPASA) to oppose South Africa's efforts to introduce intellectual property reforms aimed at increasing access to essential medicine:**

Boehringer Ingelheim is a member of IPASA (Innovative Pharmaceutical Association South Africa) and has been so for a number of years also under their previous trading name IMSA (Innovative Medicines South Africa). Boehringer Ingelheim South Africa had no active role in the alleged lobbying effort referred to above and like the other members of IPASA has rejected the approach.

In response to the various media articles relating to IPASA and your enquiry.

The articles relate to a proposal that was received by IPASA from an external PR agency. The decision-making process mandated by the IPASA Constitution requires that proposals of this sort have to be formally approved by the Membership Council of IPASA. However, before a formal decision by IPASA was made to reject the PR proposal, the PR proposal was leaked to the media. IPASA has not and will not implement the PR proposal. The news reports contained in the Business and Human Rights Resource Centre email are thus inaccurate in attributing the implementation of this lobbying strategy to IPASA.

The Draft South African National Policy on Intellectual Property is a matter of vital importance to the future of the healthcare sector and indeed to all other innovative industries in South Africa. IPASA has participated in the South African Department of Trade and Industry's public consultation process and made a comprehensive submission to the Department when the Draft National Policy on IP was published for comment. IPASA indicated support for the Government initiative to formulate a coherent and inclusive national policy on IP. Furthermore, the Association endorsed and supported many of the policy statements and policy recommendations put forward in the draft IP Policy document. Contrary to reports, where IPASA held a different view, our position was submitted in a rational and constructive manner.

IPASA and its members remain firmly committed to collaborating with the South African Government and, in particular, the South African Department of Health to improve access to medicines and thereby the health of the nation.

IPASA hopes that the final IP policy document will take account of the numerous submissions received across the broad stakeholder grouping, all of which will be significantly impacted by any changes to the rights of IP holders.