

**Johnson & Johnson 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 Johnson & Johnson 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 Johnson & Johnson 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:**

The "lobbying effort" referred to in your email relates to a proposal that an external PR agency submitted to IPASA, and that was leaked to the press before any decision was made by the Association.

The proposal made by the agency was not accepted by IPASA, and it was definitely not formally approved by the Membership Council of IPASA as its statutes mandates.

IPASA has not and will not implement the PR proposal. The news reported in your email is 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.

As a member of IPASA we 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.

We hope 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.

If you are interested in the numerous activities that Janssen and Johnson & Johnson conduct in Africa to improve access to medicines and to develop medicines for neglected diseases, we are more than welcome to provide you with further information.