

Annex 4: National level (project) grants and capacity/movement building efforts

1. Free Trade Agreements

EU-India FTA, EU-Thailand FTA, Trans-Pacific Partnership Agreement (TPP)

EU and US spearheaded “Free” Trade Agreements typically seek to expand IP protections and enforcement beyond the minimum standards required by WTO TRIPS. TRIPS-plus provisions such as patent term extensions, increased data protection, linking registration to patent status, are problematic because they result into delaying the introduction of low cost generics. In addition to the fealty grantees Health Action International-Europe (HAI-Europe), Transatlantic Consumer Dialogue (TACD), Public Citizen, Third World Network (TWN), Knowledge Ecology International (KEI) and the Lawyers Collective who, alongside other players in particular Médecins Sans Frontières, advocated mainly at the EU and US level (the Lawyers collective was also very active in India) and contributed to building global awareness, we have also supported the following national level groups:

- Delhi Network of Positive People (DNP+), India
- AIDS Access Foundation, Thailand
- Acción Internacional para la Salud (AIS-LAC), Peru
- Center for Supporting Community Development Initiatives (SCDI), Vietnam

While the grants aimed to build or strengthen the capacity of national advocates on these issues, AEMI also facilitated coordination between health advocates in several of the trading partner countries, which created additional synergies. For instance, Public citizen has worked closely together with AIS-LAC and SCDI to raise awareness and build capacity of Peruvian and Vietnamese government officials and civils society on the possible impact of TPP on access to medicines. Similarly, HAI-Europe facilitated a visit of Thai health advocates from the AIDS Access Foundation to meet with European Parliament and European Commission delegates about the possible impact of the EU-Thailand FTA on access to medicines.

2. Anti-Counterfeiting legislation

Anti-Counterfeiting Trade Agreement (ACTA), Anti-Counterfeiting initiatives in the East African region

Because these IP enforcement laws or agreements typically defined counterfeits very broadly, generic medicines were (purposely) being conflated with counterfeits. Moreover, law enforcement agencies with no technical knowledge of medicines would be made responsible for judging whether a medicine was a legitimate generic, or a fake, or substandard medicine instead of drug regulatory authorities whose responsibility it normally is to oversee drug quality, safety and efficacy.

The fealty grantees HAI-Europe, TACD, Public Citizen, TWN, KEI mainly advocated around ACTA, while Center for Health, Human Rights Development (CEHURD, Uganda) with some help from international experts, worked together with the following national or regional groups in East Africa to counter the East African Anti-Counterfeiting initiatives (in collaboration with OSIEA):

- AIDS Law Project, Kenya
- Coalition for Health Promotion and Social Development (HEPS), Uganda

- Health Action International (HAI) Africa
- Southern and Eastern Trade Information and Negotiations Institute (SEATINI)

3. National intellectual property reform efforts

We have supported IP legislative reform in a number of countries over the last years. Reform efforts seek to ensure that the full menu of TRIPS flexibilities can be utilized at a national level. Important patent law reforms are underway in Brazil and South Africa, while efforts in Argentina and India focused more on preserving earlier reform (under threat of being revised) and ensuring their implementation. Uganda and more recently Kyrgyzstan have introduced new legislation in response to the advocacy efforts. Though civil society (and our National Foundation partners) in Ukraine and Kazakhstan wanted to engage in reform efforts, momentum did not move forward despite significant capacity building efforts (see also below). In Burma, where an intellectual property law is being developed de novo under pressure from the US, Japan and WIPO, we have tried to build upon OSF's broader interest and connections to ensure the new law would be balanced and includes all TRIPS-flexibilities. However, the very limited capacity in-country to pursue such technical work, combined with the secretive nature of the process, as well as lack of commitment from the regional grantee, has limited our impact.

The following grantees received support for national law reform efforts:

- TAC, South Africa
- Associação Brasileira Interdisciplinar de AIDS (ABIA / GTPI), Brazil
- Fundación Grupo Efecto Positivo (FGEP), Argentina
- Lawyers Collective, India
- Center for Health, Human Rights Development (CEHURD), Uganda
- Coalition for Health Promotion and Social Development (HEPS), Uganda
- Association Partner Network, Kyrgyzstan
- NGO Asia Pacific Network of People Living with HIV/AIDS, for work in Burma
- Legal Clinic Adilet, Kyrgyzstan

4. Movement building

With the intention to start reviving, strengthening and broadening the movement, we have funded training programs, fellowship initiatives, capacity building and strategy workshops (regional or national) and participation of civils society groups in policy convenings. We have funded direct technical assistance to organizations on strategy development, campaigning, media engagement, and fundraising. Efforts have involved Boards and staff, from senior to junior levels.

Training courses

In East and Southern Africa, AEMI together with PHP's Law and Health Initiative (LAHI) since 2009 funded short courses on IP, human rights and access to medicines for activists and lawyers (grantees and partners), and in some cases specifically invited government officials. The funding intention was to over time move the curriculum from the short courses, to inclusion of it within the core law, trade and public health curriculum taught to all students of each institution. Though the faculty were interested in seeing this happen, for a number of reasons, including influence of other funders and reluctance of some faculty, the core curriculum was not revised.

In 2012, AEMI and LAHI hosted a brainstorming session with OSF's higher Education support Program (HESP), the Information Program, and the African regional/national foundations, to consider next steps with the courses. As an outcome of the brainstorming, in 2013, the funding moved to support attempts at 4 universities to infuse more pro-access friendly materials to ongoing courses. As a next step in the process, in 2014, the ASK Justice network was launched. This is a network of 6 African universities in East and Southern Africa (including two of the universities who organized the short courses) who are committed to developing and teaching reformed core curriculum on IP and human rights. The initiative is being funded by four OSF programs (AEMI, LAHI, Information Program, HESP), along with three regional/national foundations (OSIEA, OSISA, OSA-SA).

A detailed list of other capacity building efforts is listed in Annex 1a with all grants and activities under this portfolio.