



## **COCIR contribution on the role of innovation in delivering affordable healthcare in developing countries**

COCIR represents the European Medical Diagnostic and Imaging, Electromedical and Healthcare IT Industry. COCIR fully supports the objectives of the IGWG to combat the burden of disease in developing countries and believes that our industry can make a significant and valuable contribution to achieving these goals. Over the years, COCIR member companies have been involved in many projects and various programmes in developing countries.

Many factors play a role in bringing affordable healthcare to developing countries and advanced medical technology requires sound infrastructure to support it, including adequate facilities, access to energy sources, trained operators and technicians. Adequate national health systems, proper funding, human resources with requisite skills, and functioning primary and secondary health care delivery systems are all key to making effective treatment available.

COCIR urges the WHO to initiate an open dialogue on best practices to promote the development and dissemination of healthcare products and technologies. COCIR asks the WHO to develop a platform for expert evaluation and open discussion of the many factors that impede the effective production, use and dissemination of health products and technologies, and to bring together all the partners which have a role to play in bringing affordable healthcare to developing countries. Our industry is ready to lend its substantial expertise and experience to this debate

COCIR urges WHO Member States to refrain from adopting proposals that weaken global intellectual property rights and undermine innovation. Unsupported recommendations to extend use of compulsory licenses beyond the agreed parameters of the WTO public health decision will not increase access to medical technology because the problem is multifactorial and IP is rather part of the solution than the problem.

COCIR objects to claims that deficiencies in access to healthcare are primarily attributable to the intellectual property system. A robust and balanced system of intellectual property rights is a critical part of any proposed solution to improving healthcare. IPR is the basic foundation supporting the capacity of the medical technology industry to innovate and deliver better and more cost effective products to market.

Weakening IPR is a diversion from more critical issues. It will undermine progress and impede the public-private partnerships and investments that have revolutionized recent advances in the global dissemination of health products and technologies.



**General information about COCIR:**

*Founded as a non-profit trade association in 1959, COCIR represents the Radiological, Electromedical and Healthcare IT industry in Europe. As such, our members play a driving role in developing the future of healthcare both in Europe and worldwide. COCIR is committed to supporting its members and communicating with its partners in Europe and beyond on issues which affect the medical technology sector and the health of EU citizens. COCIR also works with various organisations promoting harmonised international standards and fair regulatory control that respects the quality and effectiveness of medical devices and healthcare IT systems without compromising the safety of patients and users. We encourage the use of advanced technology to support healthcare delivery worldwide. COCIR's key objectives include promoting free worldwide trade of medical devices and maintaining the competitiveness of the European health sector.*

**COCIR Company Members:** Agfa-Healthcare, Canon Europe, Dräger Medical, GE Healthcare, Hitachi Medical Systems Europe, IBA Ion Beam Applications, IBM, ICW, Intel, iSoft, Carestream Health, Fujifilm, Elekta, Philips Healthcare, Healthvision, Siemens Healthcare, Toshiba Medical Systems Europe

**COCIR National Associations Members:** AGORIA (Belgium), Assobiomedica (Italy), SNITEM (France), ZVEI (Germany), SPECTARIS (Germany) HHT (Netherlands), FENIN (Spain), Swedish MedTech (Sweden), AXREM (UK), FiHTA (Finland), TipGorDer (Turkey)



## DETAILED BRIEFING

### **I. Introduction**

As representative of the European medical diagnostic industry, the European Coordination Committee of the Radiological, Electromedical and Healthcare IT Industry ("COCIR") welcomes this opportunity to comment on the "Draft global strategy and plan of action" ("Draft Action Plan") prepared by the WHO's Intergovernmental Working Group on Public Health, Innovation and Intellectual Property ("IGWG").

COCIR fully supports the objectives of the IGWG to help combat the burden of disease in developing countries through the development and diffusion of innovative products and technologies. In pursuit of these objectives, the Draft Action Plan includes useful proposals that will help bridge the innovation and healthcare gap between developed and developing countries, including measures to promote technological development capacity building and foster cooperation between the public and private sector.

The Draft Action Plan also acknowledges the critical importance of intellectual property rights as a necessary incentive to innovation. A strong and balanced system of IP rights is essential to R&D activity and the commercialization of new discoveries into life-enhancing technologies. Nevertheless, while recognizing this clear nexus between IP rights and innovation, the Draft Action Plan also attributes the poor diffusion of necessary healthcare technologies in the developing world to IP rights. COCIR is concerned that any such condemnation of IP rights is counterproductive, lacking in evidentiary support, and diverts attention away from those factors that do impede access to adequate healthcare in developing countries.

Thus, we urge the IGWG to advocate a balanced approach to intellectual property, consistent with the WTO TRIPS Agreement. In addition, we encourage IGWG to focus its work and the recommendations of the Draft Action Plan on those systemic problems that lie at the heart of the many healthcare challenges confronting the developing world. COCIR and its member companies stand ready to partner with the IGWG to identify and implement practical solutions that will help meet the public health needs of developing countries.

### **II. The dissemination of health technologies depends upon a host of factors.**

The rate and success of a country's development, adaptation, and dissemination of critical technologies depend upon many factors. To name just a few, these include a country's ability to absorb scientific and technological information, its local burden of disease, environmental factors, and technical support and maintenance infrastructure. Experts at the World Bank and elsewhere have also found that systemic issues such as educational levels, institutional quality and capacity, physical infrastructure, human resources, and sound and open economic policies play major roles in both the initial penetration and subsequent diffusion of technology throughout a country's urban and rural areas, where large differences in access for all types of technology persist.



A country's ability to absorb and successfully exploit health technologies, and medical devices in particular, is especially dependent upon such contextual factors. Health technologies require both adequate systems and supplies for sustainable operation and maintenance. Moreover, given that medical devices are used to diagnose and treat a broad array of health conditions, the skill-level and technical requirements necessary to use such technologies make them among the most difficult to bring to developing country environments. Thus, achieving the full array of conditions necessary for the safe and effective diffusion of health technologies is extremely challenging and can only partially be addressed through imaginative engineering.

In that regards, COCIR supports the WHO's efforts to assist developing countries in making the best use of existing public budgetary resources devoted to public health needs. We encourage the WHO to continue its work to develop a methodology and interrelated data sets that can be used by developing countries to better prioritize available budget resources for health technology and, in so doing, address imbalances in health expenditures, one of the key causes of health system dysfunction.

### **III. Careful study is needed to assess the impact of IP rights and other factors on affordable access to healthcare in developing countries.**

Given the broad range of factors that influence successful dissemination of key technologies, intellectual property rights are clearly not a primary cause of the poor diffusion of necessary health-related technology in developing countries. Jumping to wrong conclusions diverts attention and key resources from fundamental systemic issues such as building stronger and more flexible healthcare systems through better education, infrastructure, and policy regimes.

Intellectual property rights, and patent right in particular, are essential to the innovative capacity of the medical diagnostic industry and its ability to create and disseminate new technologies. In markets such as Mexico and Korea, legal reforms to strengthen patent and other IP rights have led to significant foreign and domestic investments in health-related R&D.

Any recommendations that could negatively affect intellectual property rights must, as a matter of sound legal and economic policy, be preceded by careful study of the relationship between IP rights and access to healthcare. Nothing in the Draft Action Plan suggests that any such study has been conducted.

More broadly, the WHO has yet to provide a coherent and comprehensive assessment of the full range of factors that potentially impede the development, dissemination, and safe and effective use of health-related technologies in developing countries. All of this data would be a necessary prerequisite before concluding that intellectual property rights impede access to health products and technologies.

Our industry would welcome the opportunity to participate in a dialogue and provide our experienced view of what is needed. In addition, we wish to play our part, building on



existing efforts with developing countries, to bring near-term support to the poorest nations. In that regard, we note the World Bank has recently issued a study (IFC, The Business of Health in Africa: Partnering with the Private Sector to Improve People's Lives, 2007) demonstrating that the private sector is increasingly essential to achieving health goals in Africa.

#### **IV. COCIR supports WHO initiatives to provide affordable access to healthcare.**

COCIR generally supports WHO's various initiatives to provide affordable access to healthcare. Among other cooperative efforts, COCIR and its member companies will continue to participate in existing public-private partnerships and activities to identify technological gaps and help enable near- and long-term health system improvements. These important efforts aim to unlock public and private know-how and investment to bring medical advances to the poorest nations.

However, weakening IPR is a diversion from more critical issues. It will undermine progress and impede the public-private partnerships and investments that have revolutionized recent advances in the global dissemination of health products and technologies.