



MINISTRY
TRADE AND INDUSTRY
REPUBLIC OF SOUTH AFRICA

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Ms Anele Yawa
General Secretary
Treatment Action Campaign

Dear Coalition Members

REQUEST FOR AN UPDATE ON IP POLICY AND TRIPS SAFEGUARDS

I write in response to your letter received earlier today.

As reflected in your records, **the dti** has consistently considered your representations and officials of **the dti** have regularly interacted with yourselves.

We have consistently responded promptly to requests because these are important issues and we would certainly have wished to have dealt with all outstanding matters already.

Regrettably, the wide range of issues covered by Intellectual Property rights and the number of stakeholders including yourselves consulted and the various issues raised, has meant delays beyond our initial expectations. However, considerable progress has been made and we are confident that the IP Policy will be ready to be considered by Cabinet in the first quarter of next year.

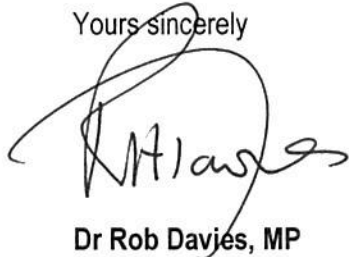
You will also be aware that the World Trade Organisation's Declaration on the TRIPS Agreement on Public Health and subsequent Decision on the Interpretation of Paragraph 6 affirmed the flexibilities available under the Agreement on Trade Related Property Rights (TRIPS) to member states seeking to protect public health. TRIPS gives signatory governments, one of which is South Africa, the right to adopt measures 'to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development'.

South Africa played a leading role with regard to attainment of these flexibilities. This was mainly because, like all other developing countries, it has serious challenges with regard to accessing cheap medicines for its people. The first step in the process of ensuring that such flexibilities are fully implemented is for the amendment to the TRIPS Agreement to be ratified by Cabinet.

Cabinet is expected to take a decision soon to give its consent for the ratification of the TRIPS Declaration upon which an instrument of ratification will be deposited with the WTO.

I trust that this response addresses some of your concerns and if you wish to still meet with me, such a meeting should be arranged through our offices to determine a mutually suitable date.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Davies', with a large, sweeping flourish above the name.

Dr Rob Davies, MP
Minister of Trade and Industry
Date: 29 October 2015