

## Group work: African Regional Intellectual Property Organization (ARIPO)

In December 1982, in Harare, Zimbabwe, the African Regional Intellectual Property Organization (ARIPO) Protocol on Patents and Industrial Designs was adopted (also known as the “Harare Protocol”) and entered into force in 1984. The Harare Protocol established a regional mechanism that administers the filing, examination and grant of pharmaceutical patents applicable to 19 countries in Southern, Western and Eastern Africa, which essentially acts as a clearinghouse for patents in the region. As such it has a direct impact on whether the population in the region have access to affordable medicines. However, instead of utilising public health safeguards allowed under international trade law (the World Trade Organization Agreement on Trade Related Aspects of Intellectual Property Rights—“TRIPS Agreement”), ARIPO continues to grant undeserved pharmaceutical patents, applicable even to countries where the national patent law does not recognise such patents. You have been requested by activists in Malawi and Kenya for legal and advocacy support around ARIPO.

- 1) In Malawi they have requested you to write a memorandum to the Minister of Health that highlights the impact of the Harare Protocol on medicine access in Malawi and outlining in detail what reforms are legally available and should be made to it. The document will not be published, but needs to be comprehensive and understandable to decision makers in the Health Ministry.
- 2) In Kenya they have requested you to write an open letter to the Minister of Health and the Minister of Industry, Trade, & Cooperatives in Kenya outlining which reforms should be adopted and utilised in the Harare Protocol. The letter needs to articulate the legal reforms allowed under international law while being a publicly understandable document for advocacy purposes. The letter should make demands on the Ministers to take action both nationally and at a regional level. The PLHIV groups will publish the letter, so also need to write three tweets (with hashtags, tagging relevant twitter accounts ) that tell the story of the letter, ensure that it is widely seen, and add to advocacy pressure on the targets of the letter.