

June 20, 2023

Dr. Guillermo Alfonso Jaramillo  
Minister of Health  
Republic of Colombia

Dear Minister Jaramillo,

We are representatives of organizations worldwide that support access to medicines, as well as experts, activists, lawyers and academics in the fields of intellectual property and public health. We commend your decision to expand affordable access to HIV treatment, stand for health justice and evaluate a public interest declaration to license dolutegravir patents. A declaration leading to compulsory licenses can facilitate generic competition, reducing prices and increasing access to medicine. We urge the Ministry of Health and the Superintendency of Industry and Commerce to proceed with the declaration.

The high prices of patented medicines impose a major burden on health systems, leading to rationing of treatment and other health services. In the case of HIV/AIDS, high prices impede the goal of an AIDS-free generation and contribute to preventable suffering and death. From 2018 to 2022, the number of new HIV cases in Colombia increased by 31 percent.<sup>1</sup> Over 126,000 people, or 74 percent of those living with HIV use anti-retroviral therapy.<sup>2</sup> WHO recommends dolutegravir as part of a first-line treatment regimen against HIV. Because of fewer adverse effects, improved effectiveness and safety, and a lower likelihood of resistance development, dolutegravir-based regimens have demonstrated higher adherence.<sup>3</sup> According to Resolution 881/23, generic competition for dolutegravir may allow for cost reductions of more than 90%.

International law and policy support Colombia's right to issue compulsory licenses to promote the public interest, especially the right to health, which includes access to affordable medicines. Article 31 of the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) allows all WTO members, including Colombia, to issue compulsory licenses at any time for reasons of their choosing. In compulsory licensing cases, the only compensation due to patent holders is a reasonable royalty, which governments can determine at their discretion.

The WTO Declaration on the TRIPS Agreement and Public Health reaffirms this interpretation in Article 31 and its importance for health. The "Doha Declaration" explicitly recognizes the impact of intellectual

---

<sup>1</sup> Colombia Ministry of Health and Social Protection Resolution 881 of 2023

<sup>2</sup> <https://cfs.hivci.org/index.html>

<sup>3</sup> [https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/june/20230612\\_colombia-hiv-treatment](https://www.unaids.org/en/resources/presscentre/pressreleaseandstatementarchive/2023/june/20230612_colombia-hiv-treatment)

property on drug prices and states that countries' patent obligations under WTO rules "should be interpreted and applied in a manner that supports the right of WTO Members to protect public health and, in particular, to promote access to medicines for all."

Issuing a compulsory license for dolutegravir is entirely consistent with the terms of Colombia's trade and investment agreements. For example, the U.S. - Colombia Trade Promotion Agreement expressly incorporates certain public health safeguards into the treaty and preserves Colombia's right to license patented inventions. Licenses do not "expropriate" the property of patent owners. Furthermore, licenses do not prevent patent holders from continuing to sell their products, prohibit unlicensed uses of the invention, or prohibit unlicensed parties from using the invention.

This letter should put to rest any concerns regarding the international legitimacy of compulsory licensing. We commend Colombia's efforts to ensure access to medicines for all.

Sincerely,

**Latin America organizations**

Acción Internacional por la Salud AIS Perú

AGANIM

AIDS Healthcare Foundation Colombia

ASOCIACIÓN CIVIL CAMBIO Y ACCIÓN

Asociación Construyendo Caminos de Esperanza frente a la Injusticia, el Rechazo y el Olvido (CCEFIRO Peru)

Asociación de Pacientes de Alto Costo

Asociación Por la Vida (ASOVIDA)

AVISA (Associação Vida e Saúde)

Cátedra Cultura de Paz / Universidad de Los Andes

Corresponsales Clave

Foro de la Sociedad Civil en Salud de la Región Callao. FOROSALUD CALLAO

Fundación Acción Positiva por la Vida

Fundación Amigos por la Vida

Fundación Ecuatoriana Equidad

Fundación Grupo Efecto Positivo

Fundación IFARMA

Fundación Procrear

GHP Corp

Grupo de Resistência Asa Branca - GRAB

Grupo de Trabalho sobre Propriedade Intelectual (Brasil)

Internacional de servicios publicos Inter-Americas (ISP-IA)

International Treatment Preparedness Coalition Latin American and Caribbean

Laboratorio de Datos GT  
Medical Impact  
Misión Salud  
Movimiento Mexicano de Ciudadanía Positiva, A.C.  
Movimiento para la Salud de los Pueblos MSP  
Plataforma VIH 2025  
Red Juvenil Cultura de Paz y VIH  
Red Latinoamericana por el Acceso a Medicamentos (RedLAM)  
Rede Jovem Rio  
Redlactrans  
RENUPAZ  
Rosas Mujeres De Lucha  
RVG+Zulia  
Salud y Fármacos  
Trabajador de la Salud  
Universidades Aliadas por los Medicamentos Esenciales (UAEM) Latinoamérica  
Vacunas para la Gente PVA Latinoamérica

**Global organizations**

AIDS Healthcare Foundation  
APCASO  
Architectes de l'urgence  
ARROW  
AVAC  
Campaign for Access to Medicines, Diagnosis and Devices (CAMD), India  
Centre for Family Health Initiative (CFHI)  
DAWN (Development Alternatives with Women for a New Era)  
DISABILITY PEOPLES FORUM UGANDA  
Frontline AIDS  
Gender Studies and Human Rights Documentation Centre  
Geneva Graduate Institute  
Global Fund Advocates Network (GFAN)  
Global Justice Now  
Health Action International (HAI)  
Health Poverty Action  
International Treatment Preparedness Coalition (ITPC)  
International Treatment Preparedness Coalition Middle East and North Africa  
Just Treatment  
Kamukunji Paralegal Trust (KAPLET)  
Masimanyane Women's Rights International  
Medact  
Médecins Sans Frontières (MSF) Access Campaign  
National Commission for Human Rights  
Nepal National Dalit Social Welfare Organization (NNDSWO)

NETWORK Lobby for Catholic Social Justice  
OXFAM  
Pakistan Fisherfolk Forum  
Partners In Health  
Peace and Development Organization  
Penabulu Foundation  
People's Health Movement  
People's Vaccine Alliance (PVA)  
People's Vaccine Alliance Africa  
People's Vaccine Alliance Asia  
PrEP4All  
Public Citizen  
Shirkat Gah  
South Asia Alliance for Poverty Eradication (SAAPE)  
STOPAIDS  
Sukaar Welfare Organization  
Third World Network  
Women's Action Forum  
Women's Christ Against Cancer in Malawi (WOCACA)  
Women's Regional Network  
Workers Education and Research Organization

### **Individuals**

Abdiel Mateus Herrera, Activist Right to Health Colombia  
Amy Kapczynski, Yale Law School, Global Health Justice Project and Law and Political Economy Project  
Claudiana Palacios Pillaca  
Diego Postigo, Activista independiente  
Diogo Willi da Silveira  
Eloan dos Santos Pinheiro, Investigadora experta Brasil  
Jasmin Gomez Vasquez  
Jessica Ruiz  
Joshua D Sarnoff PLLC  
Lawrence Gostin, JD, LL.D (Hon.), Founding O'Neill Chair in Global Health Law / Faculty Director, O'Neill Institute / Director, WHO Collaborating Center on Global Health Law  
Leila Husain  
Lidia Yraitá Sandoval  
Marcela Vieira, Advogada especialista em direitos humanos e propriedade intelectual  
Maria Desme  
María Natalia Echegoyemberry, Coordinadora del Grupo de preparación y prevención de pandemias de Vacunas para el Pueblo Latinoamérica y el Caribe (VPA-LAC)  
Miriam Terry  
Nancy Alvaro Cordova  
Paulo Diniz

Richard Stern, Experto, activista independiente  
Salima Hashmi, Artist educator