



Glaxo SmithKline Delivers Killer Greed URGENT ALERT!

BACKGROUND

People with AIDS in Ghana are trying desperately to obtain affordable AIDS medication. Mammoth drug maker Glaxo SmithKline is trying desperately to block those efforts—and they are winning. About 5 per cent of Ghana's adult population is HIV positive. Virtually all can't afford life extending HIV medication, because the drugs are priced out of their reach.

In an effort to increase drug access, a drug distributor in Ghana called Healthcare, Ltd. recently bought low-cost generic AZT+3TC from a generic drug company in India called Cipla, Inc. Glaxo owns the patent rights to AZT+3TC (brand name Combivir) in the US, where they charge about \$10 per pill. In India the drug costs about 90 cents per pill. AZT and 3TC are easy and cheap to manufacture, and were brought to market on the US taxpayer's dime. Glaxo has already made billions in profit from AZT, 3TC, and Combivir sales.

Glaxo SmithKline found out Cipla was importing generic medication to Ghana and accused Cipla of violating their Combivir patent rights. Glaxo threatened to take Cipla to court if they continued to import AZT+3TC to Ghana. So Cipla stopped. Now Healthcare, Ltd. won't distribute the generic AZT+3TC that already arrived in Ghana, because they are scared Glaxo will threaten them, too. Desperate people with AIDS grow sicker and sicker while boxes of life-extending medication gather dust.

COMBIVIR PATENTS INVALID IN GHANA

After a little digging, activists learned that Glaxo SmithKline is lying about its patent rights to Combivir in Ghana. According to a patent official at a West African regional patent organization, Glaxo's Combivir patents are not valid in Ghana (see Schoofs M., *Wall Street Journal*, 12/1/00). Glaxo is deliberately lying in order to scare generic competitors like Cipla from importing generic drugs to third world countries. In any case, Glaxo can afford to wait and take the dispute to court—whether they end up winning or losing. But people with AIDS can't wait.

Glaxo is part of the "Drug Access Initiative" recently announced with UNAIDS—Glaxo promises reduced drug prices to poor countries willing to play by their rules. And when Ghana took legally sound actions to increase medication access, Glaxo pulled every dirty trick in the book until Ghana stopped.

TAKE ACTION—TELL GLAXO: "HANDS OFF GHANA"

Contact Glaxo SmithKline and demand:

- **An immediate end to Glaxo's dispute against Cipla over patent rights to Combivir in Ghana**
- **Glaxo must make a public announcement stating that generic distribution of AZT+3TC in Ghana is legal because Glaxo has no enforceable patent rights to Combivir in Ghana.**

IN THE US: Robert Ingram, Chief Operating Officer and President, Pharmaceutical Operations; Glaxo SmithKline, 5 Moore Dr., Research Triangle Park, NC 27709 tel (919) 248-2100 fax (919) 315-0027 and Jennifer McMillan Director, Health Care Coalitions and Advocacy Relations (same tel and fax)

in New York, NY: Investor Relations Office tel (212) 308-1210 John Del Giorno VP Govt. Affairs

IN THE UK: Sir Richard Sykes, Chairman, Glaxo SmithKline, Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB60NN tel 44 (020) 8966 8000 fax 44 (020) 8966 8330

For more information: <http://www.globaltreatmentaccess.org> • ACT UP (215) 731-1844 • asia@critpath.org

SAMPLE LETTER

Robert Ingram
Chief Operating Officer and President, Pharmaceutical Operations
Glaxo SmithKline
5 Moore Drive
Research Triangle Park, NC 27709

Dear Mr. Ingram,

I am writing to you on behalf of the HIV/AIDS community, to express my outrage that your company is knowingly preventing people with AIDS in Ghana from obtaining access to potentially life-extending generic zidovudine+lamivudine.

Despite the fact that, according to Ghana's regional patent organization, Glaxo SmithKline has no enforceable patent rights to Combivir in Ghana, your company has forced a generic drug company (Cipla, Inc.) to stop importing generic zidovudine+lamivudine to Ghana. Your company has also forced a Ghanaian distributor (Healthcare, Ltd.) to cease generic drug distribution.

You justify this bullying and harassment by claiming that selling generic zidovudine+lamivudine in Ghana infringes your company's patent rights. This is a lie which is resulting in preventable deaths and needless suffering.

I demand that Glaxo SmithKline:

- Immediately cease its dispute with Cipla over patent rights to Combivir in Ghana
- Make a public announcement stating that generic distribution of zidovudine+lamivudine in Ghana is legal as Glaxo SmithKline has no enforceable patent rights to Combivir in Ghana.

Please contact me immediately regarding this urgent matter.

Sincerely,