

JOE WILSON
2ND DISTRICT SOUTH CAROLINA
ADMINISTRATIVE MAJORITY WHIP
COMMITTEES:
ARMED SERVICES
INTERNATIONAL RELATIONS
EDUCATION AND THE WORKFORCE
HOUSE POLICY

**Congress of the United States
House of Representatives**

May 24, 2005

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The Honorable Rob Portman
U.S. Trade Representative
600 17th Street, N.W. - Room 209
Washington, D.C. 20508

Dear Ambassador Portman,

I am writing to express my concern over the Government of Brazil trying to use the World Trade Organization's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to issue compulsory licenses against American pharmaceutical companies producing anti-HIV and AIDS drugs in the region.

In March 2005, the Government of Brazil threatened to break the patents on four anti-AIDS drugs. By declaring a "national emergency," Brazil is trying to purchase the drugs at deeply discounted prices or produce generic versions of them. This would be an unprecedented action, since the claim of a "national emergency" in this case is questionable. Using this provision would normally envision a developing country battling an outbreak of infectious disease. Under the current circumstances, Brazil has the tenth largest economy in the world, and its HIV infection rate is on par with that of the United States. Under these conditions, Brazil's use of the TRIPS agreement will undermine American pharmaceutical companies and establish a precedent that will harm our efforts to battle intellectual property theft directed toward our nation. While the TRIPS agreement provides for circumstances where compulsory licenses can be issued under certain narrow exceptions, the legitimate interests of the patent-holder must also be protected. The circumstances do not appear appropriate to invoke the TRIPS agreement.

I believe bilateral relations will be compromised if Brazil proceeds with these actions. Therefore, I respectfully request that you convey my deepest concerns to Brazilian President Luiz Inacio Lula da Silva and urge him not to use the TRIPS agreement against American companies in Brazil. Please do not hesitate to contact me if I can be of further assistance to you in this matter.

Very truly yours,

JOE WILSON
Member of Congress

MEMPHIS OFFICE:
1700 SUMMIT DRIVE (US 576), SUITE 1
WEST COLUMBIA, SC 29169
MEMPHIS AIRMAIL P.O. BOX 7381
COLUMBIA, SC 29202
(803) 938-0041
FAX: (803) 539-0970

312 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-4002
(202) 225-2493
FAX: (202) 225-2485
E-MAIL: joe.wilson@mail.house.gov
WEBSITE: www.house.gov/joe/wilson

LOWCOUNTRY OFFICE:
303 PORT NATURE IN STREET
P.O. BOX 1538
BEAUFORT, SC 29501
(843) 821-2530
FAX: (843) 821-2535