

**Congress of the United States**  
**Washington, DC 20515**

June 28, 2020

Senador Gustavo Enrique Madero Muñoz  
Presidente de Comisión de Economía  
Av. Paseo de la Reforma No. 135  
Hemiciclo, Piso 6, Oficina 3  
Col. Tabacalera, Alcaldía Cuauhtémoc  
Cd. de México, C. P. 06030

Distinguido Senador Madero,

We hope this letter finds you and your family healthy.

As you are aware, U.S. House of Representatives Democratic members fought hard to ensure bipartisan Congressional support for intellectual property (IP) obligations in the final text of the Protocol of Amendment of the Agreement between the United States of America, the United Mexican States and Canada (USMCA), that reflect the balance of promoting innovation while ensuring patients' timely access to affordable medicines. This outcome is even more critical as the world is being devastated by the coronavirus pandemic.

We are writing to express our concern that the Protection of Industrial Innovation legislation currently under consideration in the Mexican Congress does not reflect this balance and if it is enacted in its current form, will restrict access to medicines in Mexico.

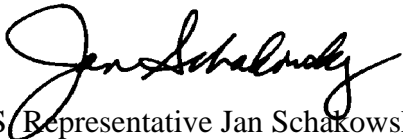
In particular, it has come to our attention that Article 45.1 was recently amended to include language to grant patents for new uses or "secondary patents." New use patent requirements were specifically eliminated from the final version of the USMCA as they encourage an anticompetitive practice commonly referred to as "evergreening." We believe it would be unnecessary and harmful to public health interests in Mexico to include language which allows patents to be granted for new uses as it would restrict the timely introduction of medicines in Mexico.

In addition, we share our concern that the bill includes language that could unnecessarily limit the use of compulsory licensing. We recommend that the bill be amended to fully reflect the flexibilities available under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement). As the world suffers from the unprecedented and overwhelming impact of COVID-19, Mexico may need to consider all options, including the granting of compulsory licenses, to meet its medical needs.


Letter to Senador Madero  
June 28, 2020  
Page 2

We urge you to reconsider your support of this legislation, which could dramatically increase drug prices for your constituents at a time when they need them the most. Thank you for your attention to this request.

Sincerely,



U.S. Representative Jan Schakowsky  
Chair, Subcommittee on Consumer  
Protection and Commerce  
House Committee on Energy and Commerce



U.S. Representative Earl Blumenauer  
Chairman, Subcommittee on Trade  
House Committee on Ways and Means



U.S. Representative Rosa L. DeLauro  
Chair, Subcommittee on Labor,  
Health and Human Services, and Related Agencies  
House Committee on Appropriations

CC: Senador Miguel Ángel Navarro Quintero, Presidente de Comisión de Salud  
Senadora Beatriz Elena Paredes Rangel, Presidenta de Comisión de Ciencia y Tecnología  
Marcelo Ebrard Casaubon, Secretario de Relaciones Exterior