Press release – 8th December 2017

**To pave the way for generics of TRUVADA©, AIDES is calling on the European Court**

*Today, AIDES is calling on European justice: Gilead’s monopoly extension on TRUVADA***©** *in many European countries is not legitimate, generics should be available all over Europe.*

The combination of TDF and emtricitabine, marketed by Gilead and sold under the brand name TRUVADA©, is a critical drug in the response to HIV: it is used for the treatment of HIV but also as PrEP (pre-exposure prophylaxis), a preventive tool to reduce the risk of getting HIV infection.

Even though all the patents on the combination expired last July, Gilead’s exclusivity is still in force in many European countries due to an SPC (Supplementary Protection Certificate) which enables the company to extend its monopoly period.

As AIDES has flagged it for a year, this extension is neither valid nor justified. The Netherlands, Sweden and Greece rejected Gilead’s application. On 5th September last, as Gilead asked for the ban of the generics in France, the Paris High Court deemed that the monopoly extension on TRUVADA© is “*in all likelihood invalid*”. Likewise, the Danish Court ruled against this SPC on the 26th October last. In these countries, generics are already available. In France, a box of generics is now available for 180 euros when Gilead sold it for more than 400 euros.

In Great Britain, generic competitors brought the case to the English High Court which referred this SPC dispute to the Court of Justice of the European Union (CJEU) in order to decide the matter.The decision of the Court is decisive: if the judge deems this patent extension invalid, generics could be available all over Europe.

Today, AIDES is sending its contribution to the European Court: this monopoly extension granted to Gilead is not justified and access to generics is crucial for seropositive people in need of ART, for a wider use of PrEP and for the sustainability of European healthcare systems.

According to AIDES, "the TRUVADA© case" and the SPC system are emblematic of a dysfunctional European patent policy which unfairly gives the priority to economic interests at the expense of the interests of patients and of public health.

Please find attached the letter to the CJEU.