

Geneva, 3 December 2020

Open Letter from the World Federation of Public Health Associations (WFPHA) to the World Trade Organization (WTO), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO) and the Secretary-General of the United Nations (SG-UN)

to Support the Proposal for the Temporary Suspension of Intellectual Property Rights for Necessary Products to Address the COVID-19 Pandemic

On December 9, a session of the TRIPS Council of the WTO will be held. The main discussion issue will be the proposal submitted by South Africa and India and co-sponsored by Kenya and Eswatini (formerly Swaziland) to adopt a “waiver”, a temporary suspension of intellectual property rights of applicable knowledge to combat the COVID-19 pandemic. Such a waiver would be subject to the protections available through patents, copyrights, undisclosed information protection, integrated circuits and enforcement, as provided in WTO agreements for exceptional situations such as the COVID-19 public health pandemic.

The proposal seeks to resolve the restrictions by low, lower-middle, and higher-middle income countries (as defined by The World Bank) to have timely affordable access under competitive market conditions to COVID-19 diagnostic kits, medical devices such as respirators and particularly vaccines and medicines to combat the virus. A pandemic cannot be resolved in a small number of countries.

The widest possible access internationally is required to bring this pandemic to an end.

The recent encouraging news of potentially effective and safe vaccines has been accompanied by announcements that, in general, 80% of the doses that could be produced during 2021 have already been committed for high income countries which make up 20% of the global population. Large inequities will be created as high vaccine prices will result in significant financial sacrifices for these countries, many which are already heavily in debt. In the context of COVID-19 having amongst the greatest impact on some of the most vulnerable populations, it is incumbent upon world leaders to take all possible steps to ensure as equitable as possible access to any successful vaccines and technologies.

High prices, technological dependence, complex and possibly unethical prioritizing of who will receive the vaccine first during 2021 along with the creation of large resident waiting lists are example of a direct consequence of the use of intellectual property rights to these scientific resources and techniques. If the knowledge necessary to overcome the virus were shared, ALL countries could put their production capacities toward serving their residents along with those of neighboring countries. Developing countries could invest in expanding their production capacities for biological products and vaccines, medicines for treatment, medical equipment, among other needs.

High income countries, home to the large companies that produce vaccines, medicines and health supplies are the main beneficiaries of the exclusivity granted by intellectual property rights. They have opposed this proposal, thus blocking the possibility of adopting this recommended temporary suspension by consensus.

Given that such a consensus does not seem possible, at the next TRIPS council meeting, the developing nations representing approximately 80% of the world’s population, will seek to obtain a favorable decision on this waiver through the vote of 75% of the representative countries. We join over 300 non-governmental organizations that have expressed their support for this proposed waiver of temporary suspension of intellectual property rights as have international organizations such as the WHO, UNAIDS, the South Center, UNICEF, UNITAID, and DNDi.

Therefore:

- We urge all governments to support this waiver in order to combat this COVID-19 pandemic
- We especially urge the governments of low, lower-middle, and higher-middle income countries that have remained silent on their position of this proposal or who have been against the proposed waiver in the previous October and November TRIPS Council meetings to support the waiver which would allow lower income countries representing 80% of the global population to combat COVID-19 in much less onerous conditions and invest in expansion of our knowledge to overcome the virus, creating less scientific and technological dependence on higher income nations in the future.

Sincerely,



Prof Walter Ricciardi

WFPHA president