

*Doctors without Borders urges  
rich countries to back COVID  
vaccine patent waiver*

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# NO PATENTS

on COVID-19 drugs, tests, vaccines



**Proponents of the patent waiver say it will allow more factories worldwide to produce jabs without breaking international rules [Marcos del Mazo/LightRocket via Getty Images]**

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Geneva, April 23 (RHC)-- The international medical charity Doctors Without Borders (Medecins Sans Frontieres, or MSF) has urged rich countries to stop blocking a patent waiver plan that could boost the global production of coronavirus vaccines.

Together with the MSF, members of the World Trade Organization (WTO) met virtually for informal talks on Thursday to discuss a proposal to waive intellectual property rights for producing COVID-19 vaccines and other coronavirus-related medical tools for the duration of the pandemic.

Sponsors of the waiver argue that the temporary suspension would allow more factories worldwide to produce jabs without breaking international rules under the WTO agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

But the proposal, originally submitted in October by India and South Africa, has met staunch opposition from several high-income members, many of which are home to major drug-makers – such as the United States and members of the European Union.

In a statement on Wednesday, Dr Maria Guevara, MSF's international medical secretary, called on the opponents to drop their opposition to the plan. "In this COVID-19 pandemic, we are once again faced with issues of scarcity, which can be addressed through diversification of manufacturing and supply capacity and ensuring the temporary waiver of relevant intellectual property," she said.

"We urge all countries in opposition to this, including the U.S. and the EU, to stand on the right side of history and join hands with those in support. It is about saving lives at the end, not protecting systems."

Opponents want to maintain the trade secrets of vaccines, claiming that current WTO rules are already flexible enough to support global vaccine supply. They have also argued that suspending IP rights would jeopardise innovation by discouraging future investments.

With a new round of meetings approaching, including a formal TRIPS Council gathering planned for April 30 and a TRIPS General Council due in June, supporters of the waiver hope that WTO members will move from theoretical reasoning into text-based negotiations.

"If we can get that by the next General Council meeting, it would be better than nothing, even if we are already six months late," said Tahir Amin co-founder and co-executive director of I-MAK, a global non-profit organisation advocating for equitable access to medicines. "It would show that we turned a corner," he added.

However, Amin argued, opponents would likely continue to play a "waiting game" and seek to reduce the mounting pressure by pushing more drug companies to strike additional bilateral agreements. "Pressure is building, but opposing countries will not want to get into text-based discussion – they don't want to open that door, not even the window," said Amin.

Questions loom about the position of the U.S., a heavyweight whose action would influence the outcome of the negotiations. Last week, U.S. Trade Representative Kathrine Tai acknowledged the need for "breakthroughs" at the WTO. Some observers noted the comments were a stark contrast to the previous administration's language on intellectual property rights.

Tai also stressed that there should not be a repetition of the “unnecessary deaths and suffering” during the HIV/AIDS epidemic caused by “policies and actions that constrained access to medicines.”

In the 1990s, when the HIV/AIDS crisis was at its peak, millions of people in the developing world died without access to necessary drugs that were available on the market but were prohibitively expensive due to patent rules.

“Politically it (Tai’s statement) was a very positive sign, even though it is unclear how this would translate in the actual approach,” said Yuanqiong Hu, legal adviser for the Access Campaign for MSF.

A year into the pandemic, one in four people in rich countries has been vaccinated, compared with one in every 500 in low-income nations, according to WHO estimates. In a further blow to global vaccine rollouts, India decided in early April to temporarily suspend exports of the AstraZeneca from the Serum Institute – the world’s biggest jabs manufacturer – to meet domestic demands amid a steep surge in infections among the country’s 1.4 billion people.

The AstraZeneca jab, which is relatively cheap and easy to store, is key to developing countries’ inoculation efforts and is one of the main suppliers of COVAX – a UN-backed global mechanism that aims to guarantee vaccines for free to the poorest countries.

The decision was expected to disrupt more than 90 million doses destined for COVAX, an outcome that the director of the Africa Centers for Disease Control and Prevention, John Nkengasong defined as “catastrophic”.

Most African countries have relied on doses delivered by the global platform, but less than 1 percent of the continent’s population have received a single dose of vaccine, according to Our World in Data. By contrast, the United Kingdom has given at least one shot to almost half of its population, compared with nearly 40 percent of people in the US and more than 19 percent in the EU.

Sponsors of the waiver have argued that the disruption to vaccine supplies caused by India’s decision to suspend exports highlights the limits of the current approach to vaccine production, mostly centred on single voluntary agreements controlled by corporate rights holders that maintain full control over the use of its technology, volume of production and prices.

“The deal between AstraZeneca and the SII shows a flaw in the current way vaccine access is being approached as it is one exclusive agreement upon which billions of people are dependent on,” said Sangeeta Shashikant, legal advisor for the Third World Network, an international advocacy organisation.

Meanwhile, the pressure is increasing from civil society, as well. Last week, more than 170 former heads of state and government, as well as Nobel laureates, urged US President Joseph Biden to support the proposed TRIPS waiver.

The letter came after another from civil society organisations, including Amnesty and MSF, stressing how the current model cannot guarantee sustainability.

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