



WASHINGTON COUNCIL ON  
INTERNATIONAL TRADE

**We don't need to abandon IP rights to address the vaccine gap**

*By Lori Otto Punke, President, Washington Council on International Trade*

Covid-19 is one of the greatest health challenges in history. In addressing it, the breadth and scale of vaccinations distributed worldwide represents a remarkable achievement. More than 5 billion people, about two-thirds of humanity, have received at least one dose -- and that number is still climbing daily.

Despite this incredible progress, there are still gaps in global distribution. Some people in need are not getting vaccines, particularly in developing nations whose citizens are the most vulnerable to disease and sickness. While this gap has declined as production and distribution increase, we must remain focused on practical steps we can take to address the challenge.

Unfortunately, global attention is about to shift away from practical measures to a distraction -- at a World Trade Organization (WTO) ministerial meeting in Geneva this month. There, the WTO's 164 members will debate a proposal for a waiver of patent and other intellectual property (IP) protections for Covid-19 vaccines. Such a waiver would not address the current gaps in distribution and could cause irreparable harm to the ecosystem that supports the development of new medications, vaccines and treatments.

The WTO proposal would give developing countries the ability to reproduce vaccines by using the formula and technology created by the original manufacturers -- without their consent or input. This proposal is unnecessary, detracts from more effective solutions and poses a threat to IP rights which are critical in alleviating the scourge of inequality and global poverty.

**The vaccine waiver is unnecessary because provisions are already in place within the WTO to address urgent health needs while still protecting IP.** Under the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights), which sets the standards for respect of patents, trade secrets and copyrights among WTO members, developing countries are already allowed to grant a compulsory license to reproduce vaccines and other medicines locally, for domestic use, in the face of an urgent health crisis, should they fail to negotiate a voluntary license with the patent holder. This provision allows for emergency local production while keeping intellectual property rights intact for the patent holder.

**The waiver would undermine IP protections that are particularly important to economic and job growth in Washington state.** Puget Sound is world-renowned as a center of innovation. Much of the state's economic growth and job creation relies on IP protections in biomedicine, software development, information technology, cloud computing, aerospace, and artificial intelligence. IP drives Washington state's future as an engine of economic growth. The vaccine

waiver sets a precedent for similar expropriation of all forms of intellectual property in response to claims of "extraordinary circumstances."

**The debate over a vaccine waiver distracts attention from more effective measures to address the problem of unequal access to vaccines.** Led by the United States, the developed world has closed the supply gap through vaccine donations -- and indeed, there is now a global surplus of doses. However, the pandemic-driven exercise in mass-scale global distribution has shed considerable light on areas of weakness in global and local supply chains. These include problems of customs clearance at points of entry, infrastructure gaps such as adequate road networks, and capacity gaps such as absent or insufficient refrigeration equipment in local distribution centers. Addressing these areas requires persistent focus, strategic investments, and strong local partnerships. By doing so now, we can set a course for lasting improvements in health equity in the prevention and treatment of disease in the developing world. Debate over a vaccine waiver only deflects attention from work on these underlying problems.

A growing number of people, [including former Washington state governor and U.S. Commerce Secretary Gary Locke](#) are concerned with the impact this proposal will have on efforts to decrease poverty and improve access to health care around the world. To end the pandemic globally and to be better prepared going forward, we need to focus on measures that will have a meaningful and lasting impact. The vaccine waiver is not one of them. WTO passage of this provision would undermine the IP standards that contribute to economic growth and help alleviate global poverty. Let's hope that the world's trade ministers recognize this in Geneva.