

## Universal Access to Patent free Covid-19 Vaccine and Treatment: The Way Ahead

The continuing spread of covid-19 around the globe with more than 165 million confirmed cases has caused more than 3.4 million deaths across 200 countries in six continents. The pandemic is having devastating social and economic disruption, presenting an unparalleled challenge to public health, food systems and the working condition. Roughly 3.3 billion people, which is estimated to be nearly half of the world's global workforce are on the verge of losing their livelihoods resulting in additional 88 million to 115 million people into extreme poverty, with the total rising to as many as 150 million this year.

The ray of hope during such catastrophic conditions is the arrival of Covid-19 vaccines. Assuming two doses for a person, there is an urgent need for around 11 million doses to immunize 70 per cent of the world's population. As of now, vaccine manufacturing companies have received confirmed order of 8.6 billion vaccine shots, out of which 6 billion has been ordered from high and upper-middle-income group countries, leaving access to less than one-third of the available vaccines for the poor countries which account for 80 per cent of the world's population.

But there is another debate going on among the wealthier and the poor countries concerning the right to access Covid-19 vaccine and medicines. The developed countries are at the centre stage of researches for the corona vaccine as it involves a lot of money and scientific know-how and is subject to protection through patent under the TRIPS agreement. The patent holders have the exclusive right for 20 years to manufacture and sell the vaccine developed by them. Such patent protection would impede the right to equitable access to the coronavirus vaccine, which is the only weapon, the world has against this deadly virus. The warning is clear, we could be back at square one as long as the coronavirus is rolling out in any part of the world, as it has more chances to mutate and assuredly erode the efficacy of vaccines everywhere.

Wealthier Nations are united and opposing the patent waiver that has been put forward together by India and South Africa last year on October 2nd before the World Trade Organisation. Both the countries, supported by more than 100 developing countries, but opposed by western countries including European Union, Britain and Switzerland which have large domestic pharmaceutical companies, propose temporary waving off Covid-19 related intellectual property rights, a step that would allow other generic manufacturers to produce more vaccines. The necessity to produce a large number of vaccine should be considered a top priority to end the pandemic. Such a move is needed to give a strong message from developed countries and pharmaceutical companies to the rest of the world that humanity comes before profit. Moreover, patents have been never granted for disallowing for use during global emergencies such as wars or pandemics and the Covid-19 pandemic undoubtedly constitutes an 'exceptional circumstances' as defined under Article IX.3 and IX.4 of the WTO Agreement and could be waived off, if, supported by three-quarter of the member countries.

International agencies and civil society groups are advocating vaccine equity and now the call is on the government and manufacturers to boost the manufacturing of coronavirus vaccine. Unless this could be done, researchers predict that it will be minimum next 2 years before a significant percentage of people in the lowest income group countries are vaccinated. And with the virus having the advantage of our interconnectedness, the tables for the developed country could be turned around anytime, even before they would have the time to control the situation. The proponents of the temporary IP waiver campaign- the People's Vaccine; strongly advocate that pharmaceutical companies have already earned millions of dollars through public funding for both R&D and advance purchase agreements. However, the richer countries and few pharmaceutical companies believe that a temporary IP waiver alone will not be sufficient to speed up the vaccine manufacturing or supply. Even if patent rights are waived off, assembling all components for vaccine production, regulatory framework, setting up factories and manpower training would take more than a year.

An alternative to the exemption of IP rights can be to increase the licensing regime of the product designs by the pharmaceutical companies in exchange for payment, which would allow more companies to manufacture the much-needed doses of vaccine. Additionally, the WHO is also encouraging tech transfer through the Technology Access Pool initiative. Companies like Astra Zeneca has voluntarily issued a license to Serum Institute for vaccine manufacturing at multiple sites. Sanofi and Pfizer like companies are transferring technology and know-how and some countries like Canada have made agreements with individual companies and are establishing new manufacturing units intending to produce new doses of vaccine. COVAX- An international effort, was initiated last year to ensure equitable distribution of vaccines among rich and poor nations, but, the global situation remains vastly unchanged. More than 49 million vaccine doses have been delivered through Covax so far. These are appreciable steps and even more important if we require booster doses to tackle virus mutation but, surely insufficient. The US President Joe Biden, who was in the opposition of IP waiver until last week could be now heard discussing its merits. Even there is a precedent in history where the US government allowed generic pharmaceutical companies and universities to collaborate for scaling up penicillin production to protect soldiers from infection during the Second World War.

The singular aim of the global community this year is to end the Covid-19 pandemic and this could only be possible if people all around the world are vaccinated as quickly as possible. Patent waiver alone is not sufficient to combat the situation. In order to increase the production of vaccine worldwide and ensure their equitable distribution would also demand the necessary legal and administrative reforms, enhancing the institutional capacity across many countries along with overcoming systemic bottlenecks. Still, a temporary TRIPS waiver would be a significant step towards saving humanity from this crisis.



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