

Intellectual Property and Covid19

Kajal B., 18 August 2021

WHAT IS THE WTO?

- The World Trade Organisation (WTO)
 - **Established in 1995**
 - 164 members – not all countries are members
 - Sets minimum rules of global trade
 - There are several agreements signed under the WTO that regulate trade in goods and so on.
 - Enforcement and dispute settlement mechanism.



WHAT IS THE TRIPS AGREEMENT?

- Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)
- After WTO/TRIPS
 - All WTO members to provide **patents for 20 years.**
 - The requirement is across the board – **a one size fits all approach.**
 - Whether the invention concerned is a **luxury item or a necessity**, an exclusive right must be granted.
- Types of Intellectual Property (IP) covered by TRIPS
 - Copyright and related rights
 - Trademarks
 - Geographical Indications
 - Industrial Designs
 - Patents
 - Layout-designs (topographies of integrated circuits)
 - Undisclosed information including trade secrets

So whose idea was this?

*‘The current GATT victory, which established provisions for intellectual property, resulted in part from the hard-fought efforts of the US government and US businesses, including Pfizer, over the **past three decades**. We’ve been in it from the beginning, taking a leadership role’.*

E. Pratt CEO Pfizer ‘95

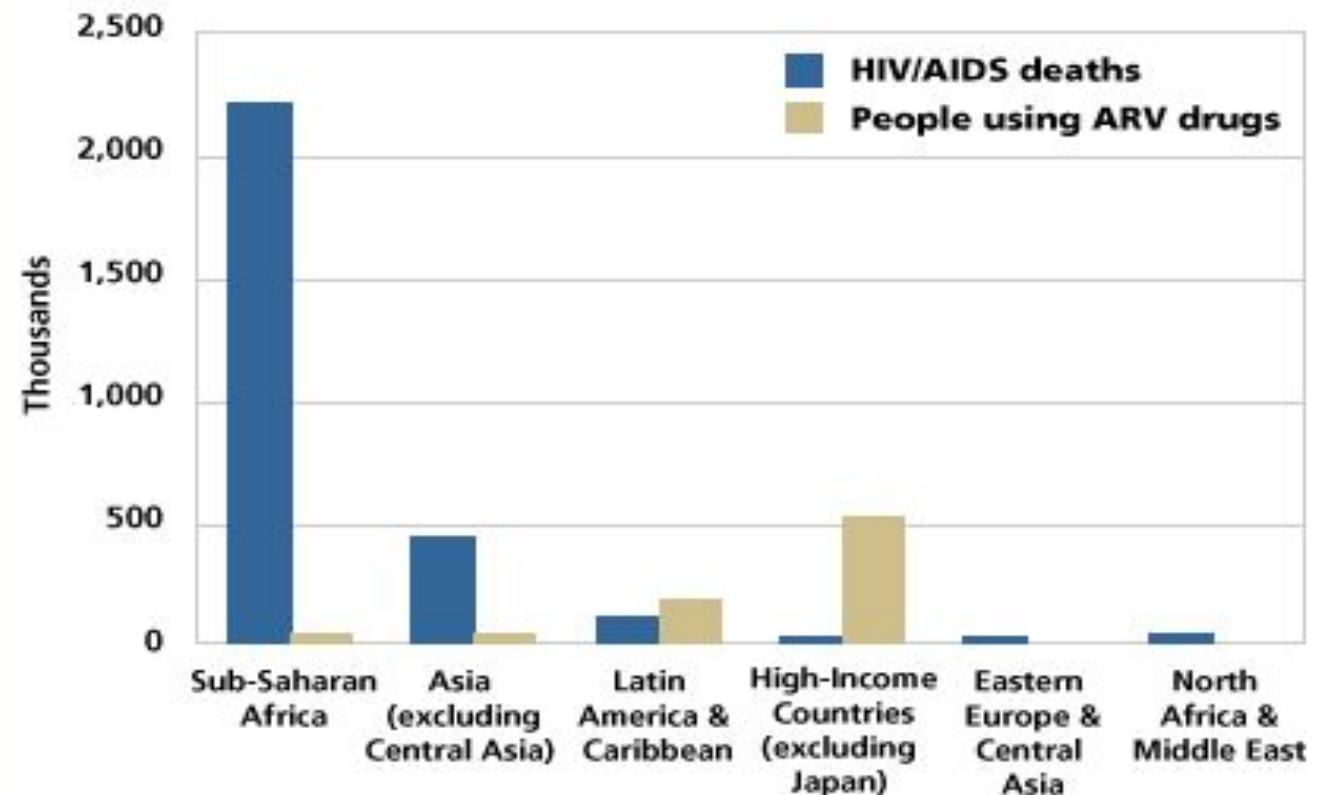


2001: The WTO's TRIPS Agreement and HIV



HIV/AIDS Deaths

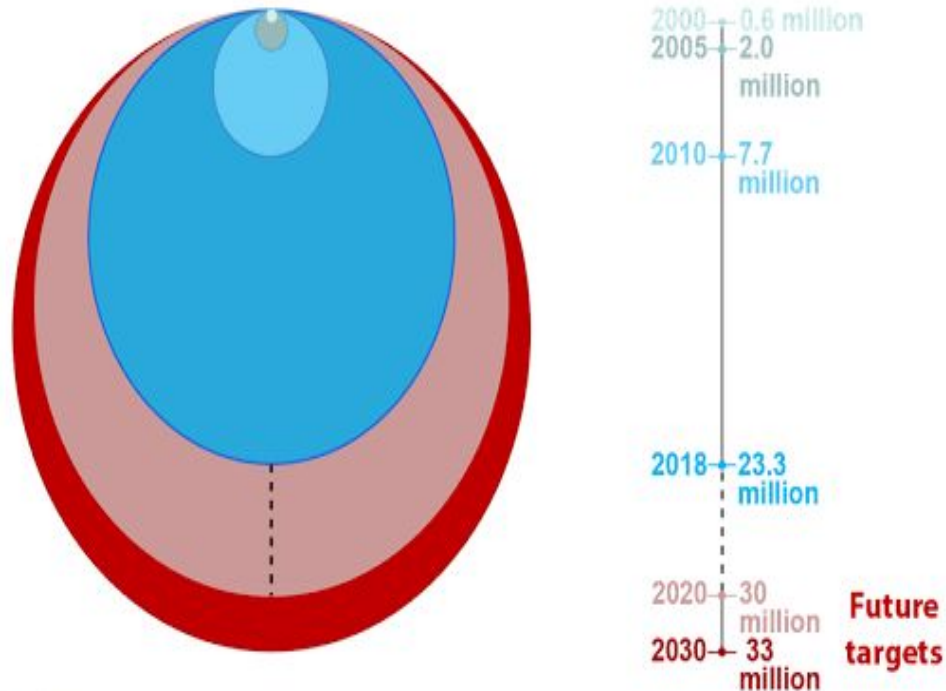
HIV/AIDS deaths in 2001, by region, and number of people using antiretroviral drugs by end 2001.



Source: WHO/UNAIDS, 2002

Doha Declaration

Number of people receiving antiretroviral treatment



Source: UNAIDS/WHO estimates

- *“We affirm that the (TRIPS) Agreement can and should be interpreted and implemented in a manner supportive of WTO Members’ right to protect public health and, in particular, to promote access to medicines for all.”*

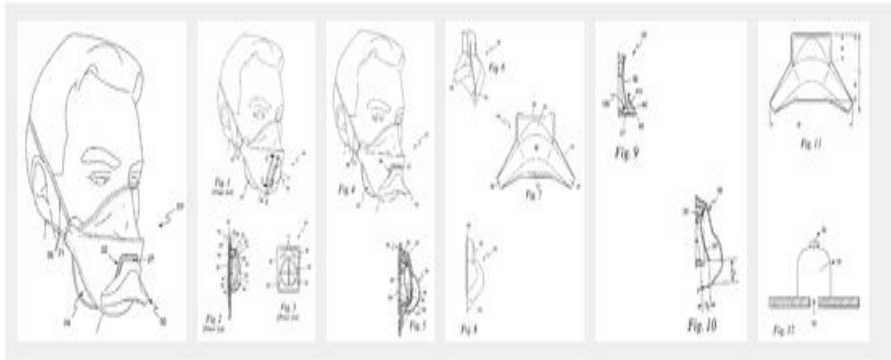
- **WTO Ministerial Declaration on TRIPS Agreement and Public Health, 14 Nov 2001**



How is IP impacting access to
Covid-19 health technologies?

IP impacting access to masks, medical devices like ventilators and diagnostic tests

Images (6)



Home / Industry News / 2020 Industry News / Kentucky governor wants 3M to release its patent for the N95 respirator

Manufacturing News

Kentucky governor wants 3M to release its patent for the N95 respirator

By Morgan Watkins for the Courier Journal
Apr 03, 2020

Kentucky Gov. Andy Beshear wants multinational company 3M to release its patent for the N95 respirator — a desperately needed type of protective gear that's difficult to get during the coronavirus pandemic — so that more manufacturers can start making it.

Beshear spoke pointedly about 3M as he described the challenges of obtaining personal protective equipment like N95s, surgical masks, gowns and gloves. These supplies, called "PPE" for short, protect doctors, nurses and other health care workers from COVID-19 as they treat patients.

To learn more, read "Kentucky Gov. Andy Beshear calls on 3M to release patent for N95 respirator amid pandemic"

Italians Found Way to 3-D Print Key Ventilator Piece for \$1 to Help Battle Coronavirus—So the Company With the Patent Is Threatening to Sue

"There were people whose lives were in danger, and we acted. Period."

by Eoin Higgins, staff writer



23 Comments



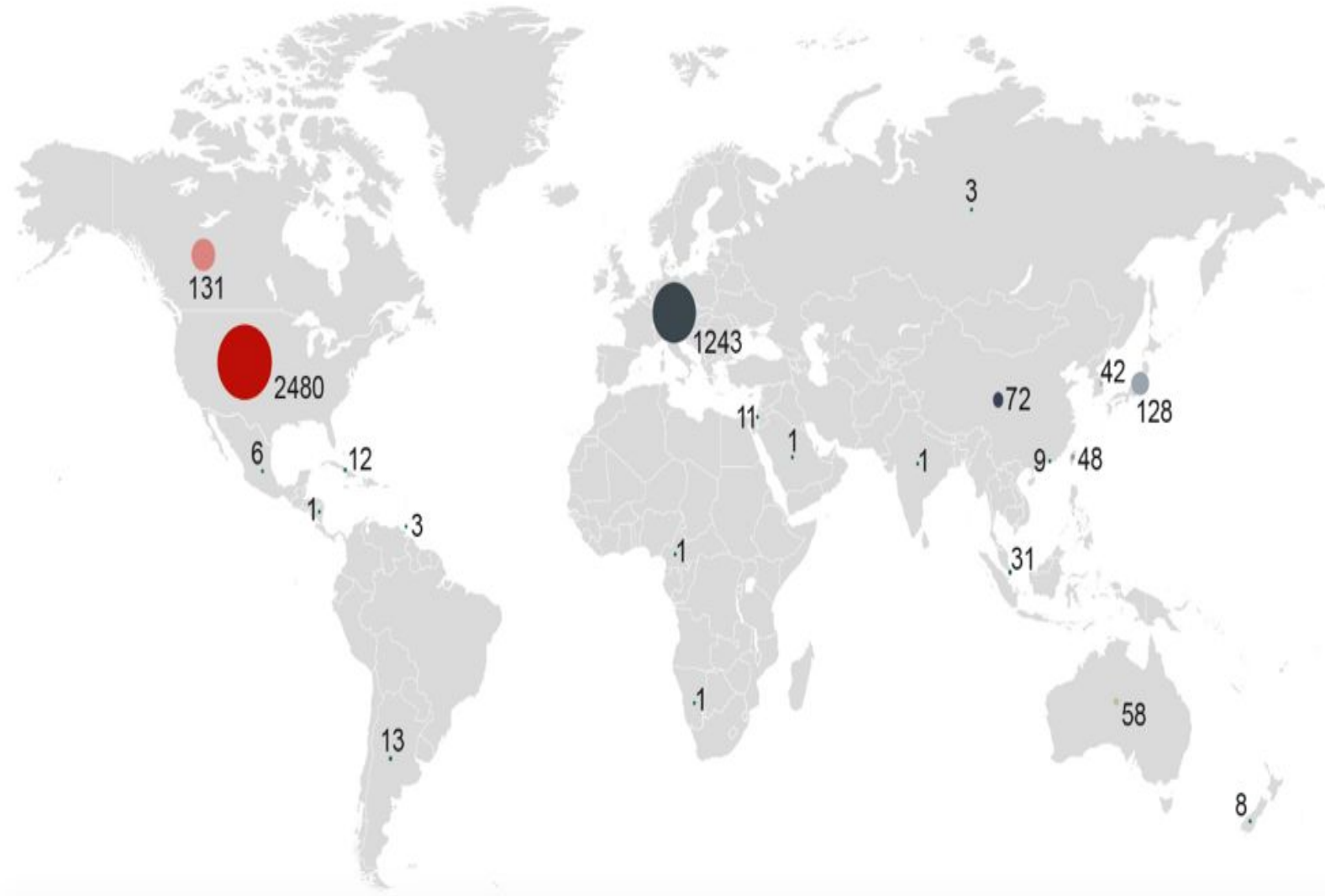
Cristian Fracassi and Alessandro Ramaioli with templates they used to 3-D print stricken with severe coronavirus complications. (Photo: Massimo Temporelli/Fai)



Cepheid, it's:
TIME FOR \$5

FOR ALL CARTRIDGES & service/maintenance

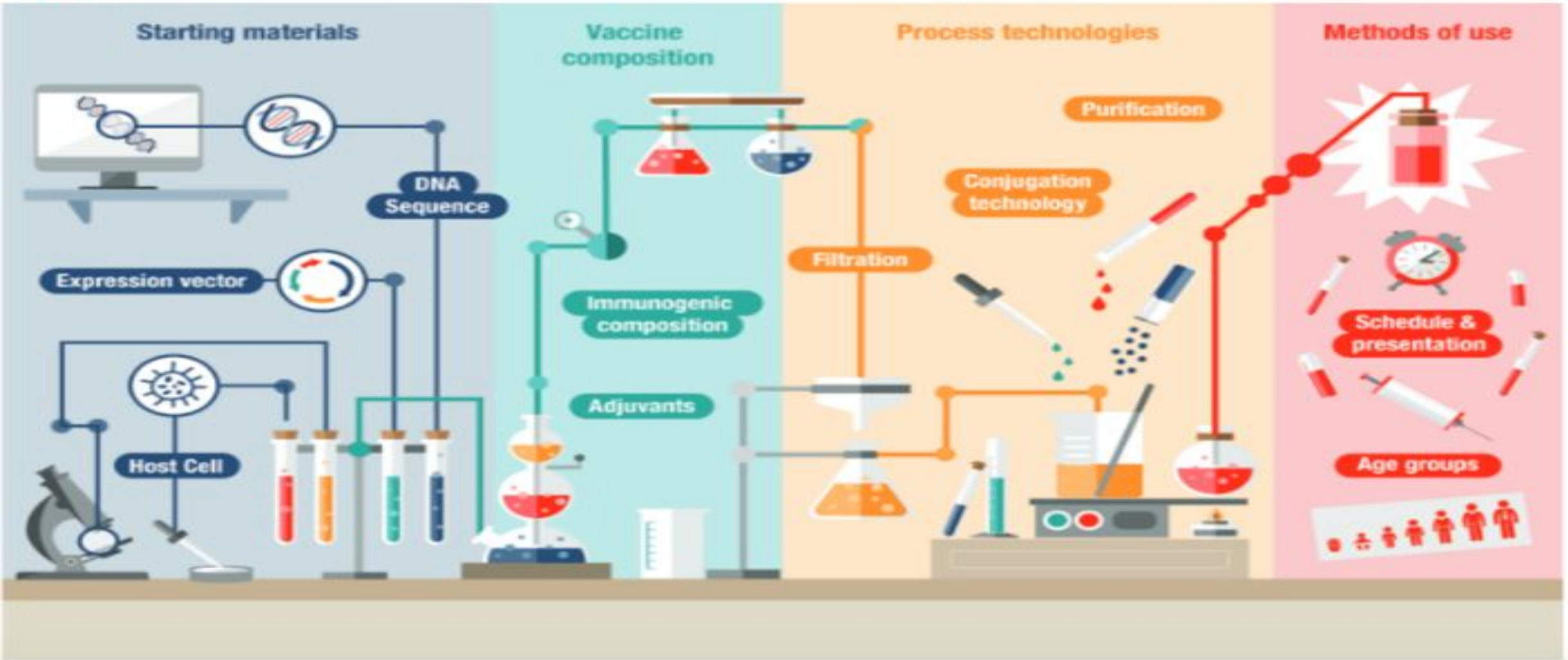
IP impacting access to vaccines



1000s of patents and patent applications related to coronavirus vaccines worldwide.

Source: European Patent Office
<https://www.epo.org/news-events/in-focus/fighting-coronavirus/vaccines-and-therapeutics.html>

Figure 1: Examples of Patent Barriers Throughout the Vaccine Development Process and Beyond



Different kinds of IP are impacting access...like trade secrets

- “Often labeled as “confidential information,” or “proprietary information,” trade secrets actually encompass vast quantities of information needed to discover, test, create, and manufacture diagnostics, treatments, medicines, and vaccines.
- Manufacturing processes, test data, medical formulas, and cell lines and other biological resources, chemical formulas, processes for manufacturing.
- **For vaccines and other biologic medicines, cell lines, genomic information, and other biological material can also be held as trade secrets.**
- **Similarly, data about the effectiveness of medicines and vaccines are trade secrets.**
- **Even “negative information” – information about what does not work – can be a trade secret.**
- **This information is essential to the rapid development of, and access to, safe and effective COVID diagnostics, treatments and vaccines worldwide.”**
- **Source:** <http://infojustice.org/archives/42493>



Vs



Relying on voluntary licensing will not work ...specially in a pandemic

- Remdesivir Access: US government purchased 90%; EU remaining 10%
- Gilead signs voluntary license with companies in Egypt, Pakistan, and India
- 127 Countries; target generic price **USD5**

Producer	Product name	Price per 5-day treatment course
Gilead Sciences	<u>Remdesivir</u>	\$2,340
<u>Eskayef Pharmaceuticals</u>	<u>Remvir</u>	\$960
Hetero	<u>Covifor</u>	\$426
<u>Beximco Sciences</u>	<u>Bemsivir</u>	\$390
Cipla	<u>Cipremi</u>	\$320
<u>Jubliant Life Sciences</u>		\$384
Mylan	<u>Desrem</u>	\$384
<u>Zydus Cadilla</u>	<u>Remdac</u>	\$229

India to import 4.5 lakh vials of Remdesivir before July

TNN / May 1, 2021, 04:52 IST



YOU'RE READING

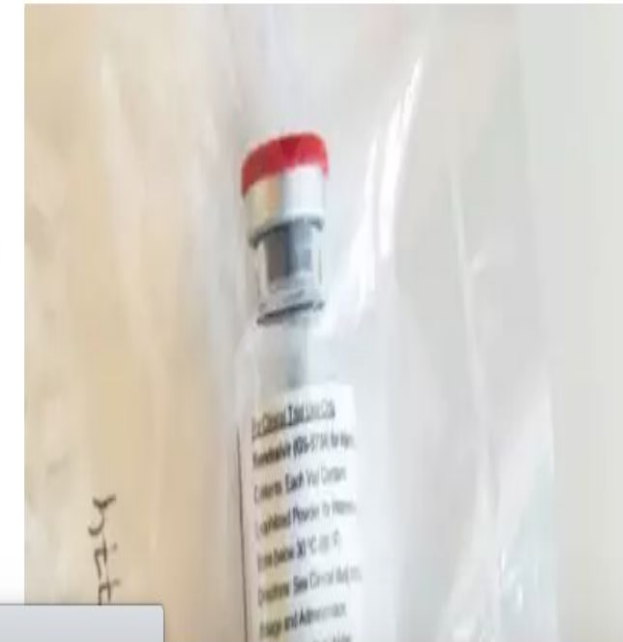
India to import 4.5 lakh vials of Remdesivir before July

Boeing to give \$10 million Covid aid to India

Intel's 11th Gen gaming laptop lineup has every gamers' needs...

Overuse of steroids could be

le.com...



SPOTLIGHT

1 Manav Rachna hosts live session with the PM

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CORONAVIRUS OUTBREAK

Covaxin vaccine

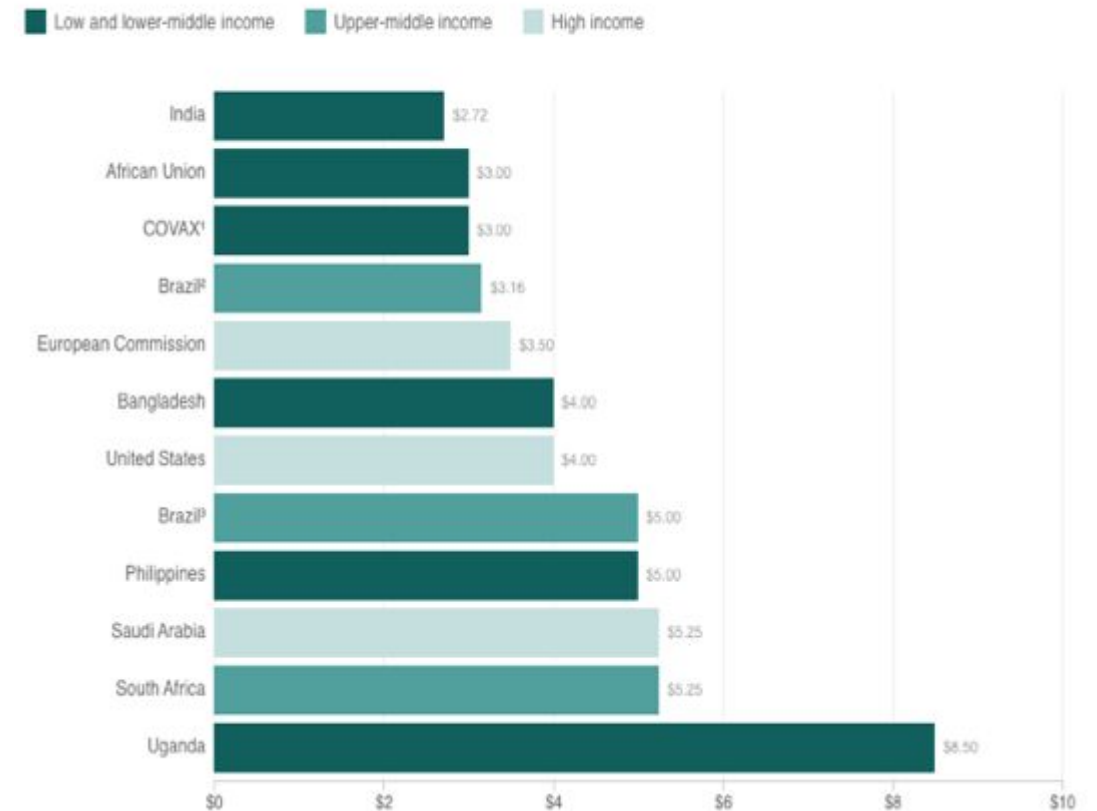
Even with enormous public funding, universities and research institutions are entering into exclusive deals with big pharma; promises of no-profit pricing are not holding up in reality



<https://khn.org/news/rather-than-give-away-its-covid-vaccine-oxford-makes-a-deal-with-drugmaker/>

Varying Prices For The Oxford-AstraZeneca Vaccine

Here is a sample of the wide range of prices per dose around the globe.



<https://blogs.lse.ac.uk/covid19/2020/09/10/could-university-patents-st-and-in-the-way-of-universal-global-access-to-a-covid-19-vaccine/>

100% Profit, 0% Responsibility

1

Pfizer/BioNTech mRNA vaccine

Expected sales in 2021: \$15bn-\$30bn

Pfizer, which splits costs and profit margins equally with BioNTech, expects \$15bn in 2021 sales based on current deals. The final number could be twice as high, as Pfizer says it can potentially deliver 2bn doses this year. Barclays analyst Carter Gould is predicting sales of \$21.5bn in 2021, \$8.6bn next year and \$1.95bn in 2023, on the assumption that the jab is given as a one-off shot.

2

Moderna mRNA vaccine

Expected sales in 2021: \$18bn-\$20bn

Moderna has said it expects 2021 sales of \$18.4bn. Barclays analyst Gena Wang forecasts sales of \$19.6bn, \$12.2bn in 2022, and \$11.4bn in 2023, assuming recurring vaccinations.

HEALTH AND SCIENCE

You can't sue Pfizer or Moderna if you have severe Covid vaccine side effects. The government likely won't compensate you for damages either

PUBLISHED THU, DEC 17 2020-8:36 AM EST | UPDATED WED, DEC 23 2020-12:52 AM EST

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@MACKENZIESIGALES

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VIDEO 12:31

How the coronavirus vaccine works and why Americans should trust it

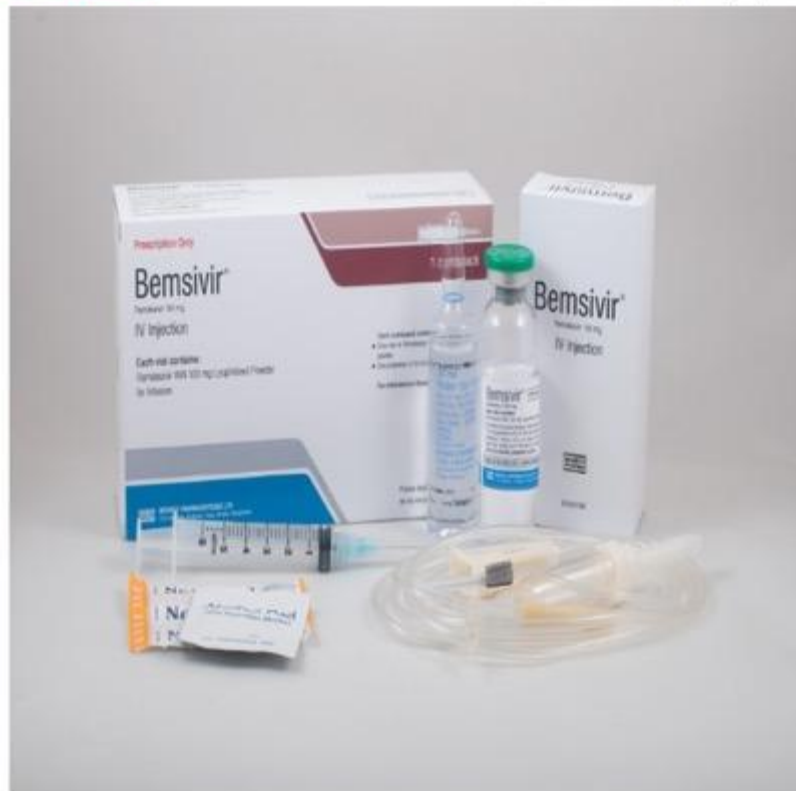
<https://www.theguardian.com/business/2021/mar/06/from-pfizer-to-moderna-whos-making-billions-from-covid-vaccines>

Vaccine and medicine R&D and production is possible in developing countries; numerous vaccines from the South

First to produce in Bangladesh, Beximco will supply remdesivir for free to govt

Shohel Mamun

Published at 06:57 pm May 21st, 2020



Courtesy

Manufacturers of COVID-19 vaccines typically start delivering in under six months after tech transfer

Posted on February 22, 2021 by Luis Gil Abinader

Based on press releases and additional publicly-available information, KEI is building a dataset with a non-exhaustive list of deals that involve technology transfer and outsourcing of COVID-19 vaccines manufacturing. As of February 19, 2021, the dataset includes observations for over 70 outsourcing and technology transfer deals done since the start of the pandemic until present. We will continue to add deals and data points.

The current version of this dataset, which is still a work in progress, is [available here](https://www.keionline.org/35364).

The dataset includes a diverse list of companies, platforms, and manufacturing steps. In most of the cases where information is publicly available, delivery of the first batches started in under six months after the technology transfer began. Our dataset shows that companies with pre-existing drug and vaccine manufacturing capabilities can start producing COVID-19 vaccines relatively quickly, if technology transfer is made.

<https://www.keionline.org/35364>

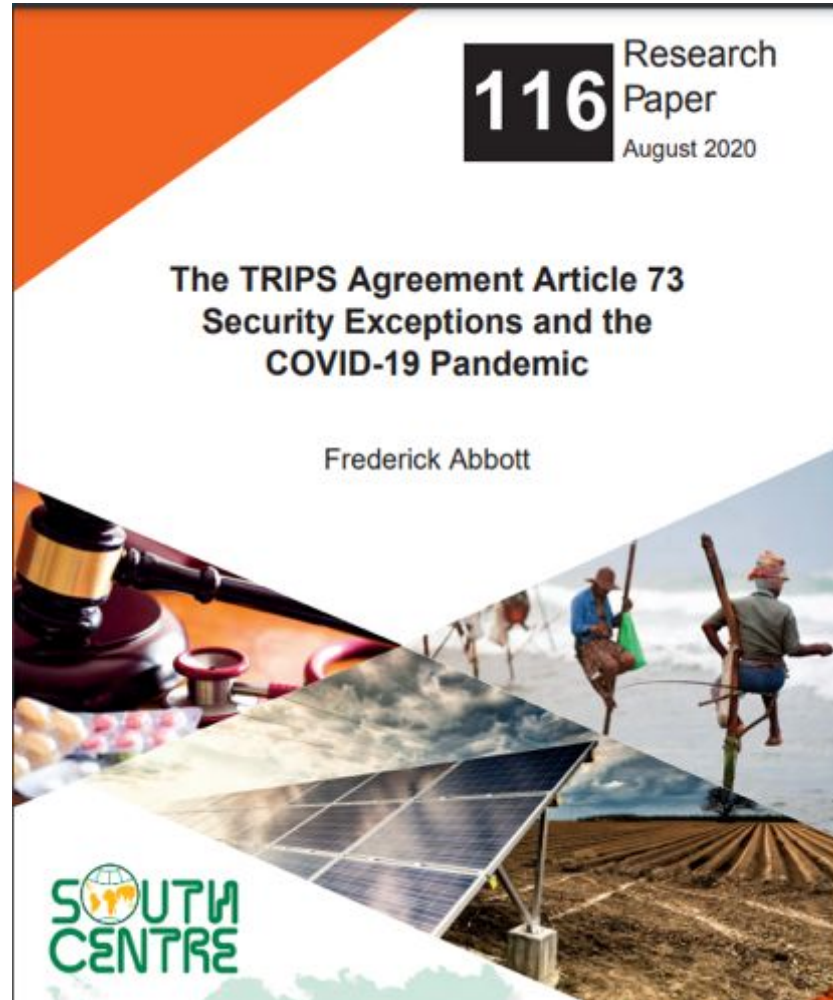
Vaccines from China, Russia, India, Thailand, Cuba, Vietnam...



<http://vaxmap.org/>

Governments can take actions to make global vaccine production and supply a reality

- Israel: Issued compulsory license for lopinavir/ritonavir
- Russia and Hungary issued compulsory licenses for remdesivir
- Germany, Chile, Columbia, Ecuador, Canada: changes to national laws to facilitate compulsory licenses for Covid19



Healthcare & Pharmaceuticals

Brazil Senate votes to suspend patent protection on COVID-19 vaccines

By Reuters and Ricardo Brito



Treatment activists are already challenging Covid-19 medicine patents

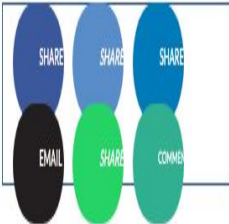
News

Cancer patients' group calls for patent revocation on Remdesivir

PT Jyothi Datta | Mumbai | Updated on April 13, 2020 | Published on April 13, 2020

The Gilead drug is under trial to treat Covid-19

The Cancer Patients Aid Association (CPAA) has sounded a note of caution on the patent status of Remdesivir, an antiviral drug from Gilead Sciences Inc that is being tested for its effectiveness in treating patients with the



ARGENTINA: FUNDACIÓN GEP OPPOSES GILEAD'S PATENT APPLICATION ON REMDESIVIR

5 JUN 2020

CALL TO ACTION NEWS

Our partner, Fundación GEP, has filed a patent opposition against Gilead's patent application on remdesivir before the Argentinean Patent Office. The civil society organization has requested that the National Institute of Intellectual Property (INPI) rejects the patent application to prevent the company acquiring a monopoly on a drug which *could* be a breakthrough in the treatment of COVID-19.



Yesterday (4 June 2020), Fundación GEP filed a patent opposition against a patent application for remdesivir submitted by Gilead, the US multinational pharmaceutical company. Remdesivir is one of the drugs currently being studied in clinical trials for effectiveness in the treatment of COVID-19.

[The corporation has filed numerous patent applications on remdesivir around the world, in February and April this year.](#) As the pandemic grew, Gilead sought to protect its potential profits and block competition, which would be essential in order to upscale production and treat everyone in

THAI CIVIL SOCIETY OPPOSES PATENT ON AN INFLUENZA DRUG, NOW USED FOR COVID-19

30 JUL 2020

NEWS

- Favipiravir, originally approved as an influenza drug, is being used to treat COVID-19 patients with pneumonia, alongside anti-malarial and anti-retroviral medicines.
- During March and April 2020, Thailand imported over 150,000 tablets from Japan and China, brand name 'Avigan', priced at \$4 (USD) per pill.
- The typical cost is \$28-32 per person per day. The fair price has been estimated to be significantly less, at \$1.45 per day.
- AIDS Access Foundation (AAF), our campaign partner in Thailand, has filed a third-party observation opposing Fujifilm Toyama Chemical's application, which AAF deems to be unmerited.

Fujifilm Toyama Chemical has filed for patents on favipiravir in numerous countries, including three in Thailand. If approved, this would continue to block generic competition until after 2031, as under Thai law, a patent's duration is 20 years from the date the patent application was filed.

Current treatment guidelines in Thailand for people with COVID-19 and pneumonia is to prescribe favipiravir for 5-10 days, requiring a total of 40-70 tablets. The price, for Fujifilm Toyama's branded medicine, equates to between \$28-32 per person per day.

Campaigns: Peoples Vaccine, TRIPS Waiver, Medicines Equality Now



**FREE FROM
PATENTS**
A PEOPLE'S
VACCINE, NOT A
PROFIT
VACCINE.



Medicine equality does not exist.

In 1995, a World Trade Organization (WTO) agreement, the Trade-Related Aspects of Intellectual Property Rights — or TRIPS — introduced intellectual property (IP) rights on medicines, vaccines and other essential health technologies. TRIPS was created to incentivize innovation by rewarding investment into medical science. But the patent system is broken. In fact, it was never fit for purpose.

Pharmaceutical corporations have been able to exploit the agreement all too easily. Since TRIPS, there have been price hikes, astronomical CEO salaries, and skyrocketing shareholder profits — but **less medical breakthroughs**, and no equality when it comes to access. Now, it's not who needs treatment that gets it — it's who can afford it. The system has never worked — it's failed on TB, malaria and cancer. Now, it's failing on the coronavirus pandemic.

Counter Campaigns

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TRUS

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Covid-19 Vaccine Makers Press Countries to Oppose Patent Waiver

Lobbying in Germany, Japan and other countries is part of a drug-industry effort to counter requests from developing countries



UPCOMING EVENTS

Jun 2 2021	11:00 AM - 3:00 PM EDT WSJ Pro Cybersecurity Executive Forum
Jun 9 2021	9:00 AM - 4:00 PM EDT WSJ Tech Health

Third World Network Information Service

TWN Info Service on Trade, IP and Health

23 July 2021

Third World Network

www.twn.my

An earlier version of this article was first published in SUNS #9393 dated 23 July 2021

WTO-WHO Dialogue hears call to treat “patents & profits” as second priority due to COVID-19

Geneva, 22 Jul (D. Ravi Kanth) — The World Health Organization (WHO) director-general Dr Tedros Adhanom Ghebreyesus has told Big Pharma to treat “patents and profits” as a second priority due to the COVID-19 pandemic, adding that “unprecedented crisis demands unprecedented action”.

At a virtual high-level dialogue convened by the heads of the World Trade Organization (WTO) and the World Health Organization (WHO) on 21 July, the WHO DG issued a strong statement from Tokyo urging Big Pharma to transfer technology and know-how to the WHO’s C-TAP (COVID-19 Technology Access Pool) facility as well as the newly established technology transfer hub in South Africa.

He also suggested that the TRIPS waiver could be invoked, said a participant, who asked not to be quoted.

Its not just about Covid : impending Non-Covid Health Crisis







“The struggle for health is a struggle for a more caring world. And I think that we are here to build a more caring world.”

- Amit Sengupta (1958-2018)