

COVID-19 Vaccine Access in Asia Workshop

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Third World Network

16 – 18 August 2021

Profiteering from COVID-19 pandemic ... liability indemnity required

Pfizer

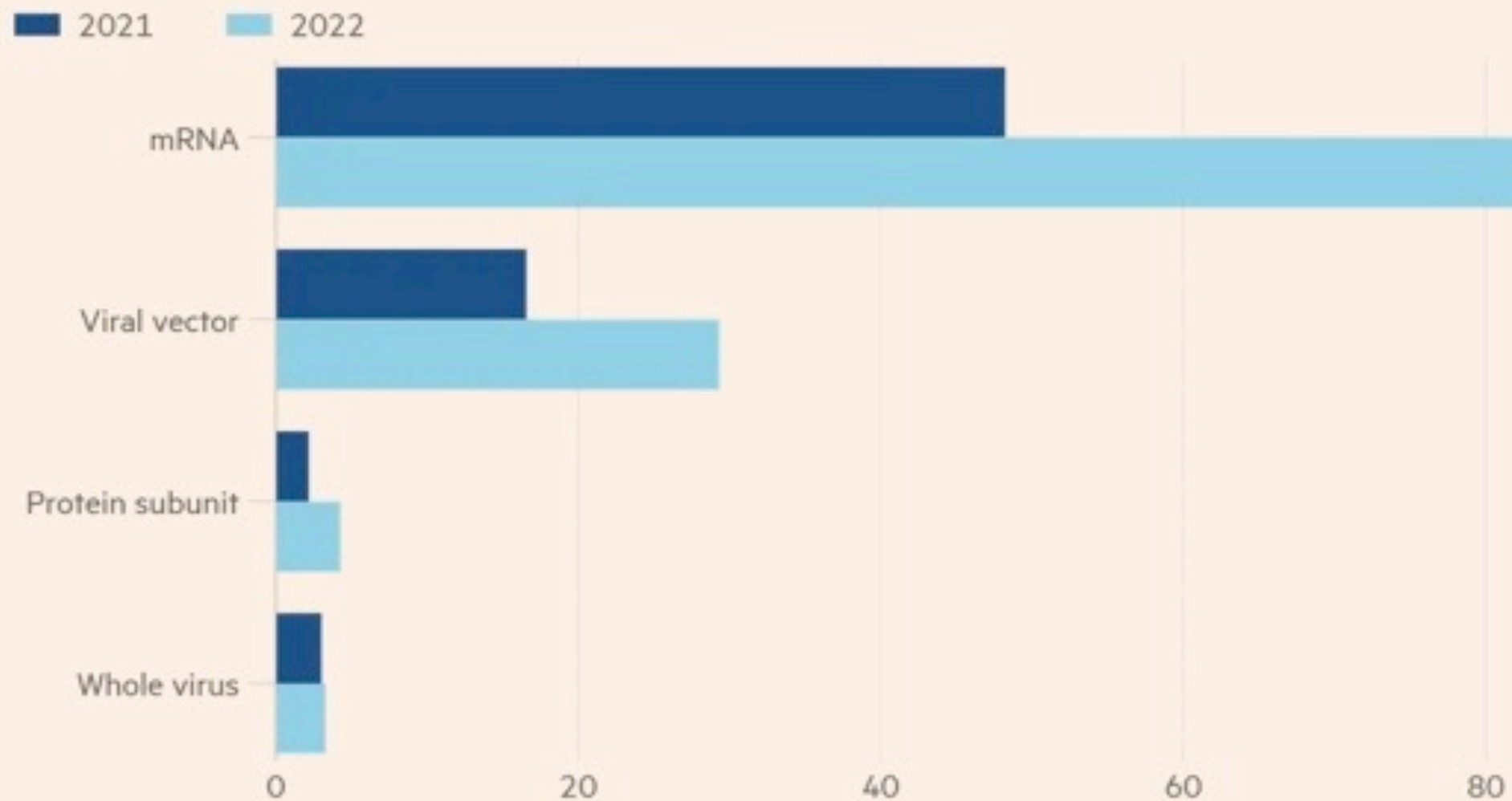
- 2021 Jan to March
USD 3.5 billion revenue
(25% of its total revenue)
- Forecast for 2021 revised
from USD 15 billion to
USD 26 billion (73%
increase)
- Actual revenue expected
to be more
- USD39 for 2 doses in the
US & USD30 in the EU
- August 2021: EU price
raised by 25% (from Euro
15.50 per dose to Euro
19.50) for new contract
2021-2023 → stocking for
booster shots

Moderna

- Founded 11 years ago,
never made profit,
employed 830 pre-
pandemic
- Expected sales in 2021:
USD 18.4 billion
- Share price change on 12
months 2020/2021
+ 372%
- USD 30 for 2 doses in the
US and USD 36 in the EU
- August 2021: EU price
raised by 10% (from USD
22.60 per dose to USD
25.50). Original price of
USD 28.50 lowered
because size of order has
increased

Sales of mRNA vaccines expected to boom

Revenue forecast by vaccine type (\$bn)



Source: Airfinity

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WTO Trade- related Aspects of Intellectual Property Rights Agreement (TRIPS)

- “Rights” to monopolies created by law:
 - 20 years minimum patents (products and processes/technology)
 - Undisclosed information (trade secrets) – no time limit (“know-how”)
 - Copyright –50 years plus lifetime of creator
- **“TRIPS flexibilities”** → exceptions, limits to monopoly, balancing between private and public rights
- **Voluntary licences from IP holders → failure for public health and access to affordable treatment**
- **From HIV to Hepatitis C to vaccines and more to come**

The TRIPS Waiver

- 2 October 2020: India and South Africa joint submission TRIPS Waiver at the WTO TRIPS Council
- Temporary waiver of certain parts of TRIPS → WTO General Council consensus needed
- Global campaign of CSOs, patient groups, academia, parliamentarians (including European MPs), eminent persons, political leaders, international organisations etc
- WHO Director General Dr. Tedros: “If not now, when?”
- Developing and least developed countries: 64 co-sponsors and supporters and about another 40 supporters (18 August 2021)
- 5 May: the United States announced support for IPRs waiver for vaccines but not moving much
- European Union, UK and Switzerland continues to block negotiations
- **STRONG OPPOSITION FROM BIG PHARMA**

Revised Waiver Decision for negotiations (25 May 2021)

1. *The obligations of Members to implement or apply Sections 1, 4, 5 and 7 of Part II of the TRIPS Agreement or to enforce these Sections under Part III of the TRIPS Agreement, shall be waived in relation to health products and technologies including diagnostics, therapeutics, vaccines, medical devices, personal protective equipment, their materials or components, and their methods and means of manufacture for the prevention, treatment or containment of COVID-19.*

→ patents, undisclosed information (trade secrets), copyright, industrial design

2. *This waiver shall be in force for **at least 3 years** from the date of this decision. The General Council shall, **thereafter, review** the existence of the exceptional circumstances justifying the waiver, and if such circumstances cease to exist, the General Council shall determine the date of termination of the waiver.*

REMOVES LEGAL UNCERTAINTY AND PHARMA / RICH COUNTRY PRESSURES

64 Co-sponsors (25 May 2021
communication list PLUS Jordan on
6 Aug and Malaysia on 8 Aug)
Another about 40 supporters



WORLD TRADE
ORGANIZATION

IP/C/W/669/Rev.1/Add.1

9 August 2021

(21-6131)

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Council for Trade-Related Aspects of
Intellectual Property Rights

Original: English

**WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION,
CONTAINMENT AND TREATMENT OF COVID-19**

REVISED DECISION TEXT

Addendum

By means of a communication dated 6 August 2021, the delegation of Jordan has requested to be added to the list of sponsors of the submission circulated in document IP/C/W/669/Rev.1.



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IP/C/W/669/Rev.1/Add.2

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REVISED DECISION TEXT

Addendum

By means of a communication dated 8 August 2021, the delegation of Malaysia has requested to be added to the list of sponsors of the submission circulated in document IP/C/W/669/Rev.1.



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IP/C/W/669/Rev.1

25 May 2021

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REVISED DECISION TEXT

COMMUNICATION FROM THE AFRICAN GROUP, THE PLURINATIONAL STATE OF BOLIVIA,
EGYPT, ESWATINI, FIJI, INDIA, INDONESIA, KENYA, THE LDC GROUP, MALDIVES,
MOZAMBIQUE, MONGOLIA, NAMIBIA, PAKISTAN, SOUTH AFRICA, VANUATU,
THE BOLIVARIAN REPUBLIC OF VENEZUELA AND ZIMBABWE

By means of a communication dated 21 May 2021, the following document is circulated at the request of the delegations of the African Group, the Plurinational State of Bolivia, Egypt, Eswatini, Fiji, India, Indonesia, Kenya, the LDC Group, Maldives, Mozambique, Mongolia, Namibia, Pakistan, South Africa, Vanuatu, the Bolivarian Republic of Venezuela and Zimbabwe.

Asian co-sponsors of the TRIPS Waiver (as of 18 August 2021)

India

Bangladesh, Cambodia, Lao, Myanmar → through
the Least Developed Country (LDC) Group

Pakistan

Indonesia

Malaysia

Some materials on the TRIPS Waiver:

Compilation of selected WTO documents, reports on TRIPS Council, campaign statements and reports

https://twm.my/title2/intellectual_property/trips_waiver_proposal.htm

MSF Access Campaign

<https://msfaccess.org/>

Feminists for a People's Vaccine

<https://feminists4peoplesvaccine.org/>



Changing the rules on
intellectual property?