

**Julian Braithwaite**

Ambassador and Permanent Representative, UK Mission to the WTO, UN and Other International Organisations (Geneva)

**Andrew Staines**

Ambassador and Deputy Permanent Representative (Economic) to the WTO and UN (Geneva)

**Elizabeth Truss**

Secretary of State for International Trade

Dear Julian Braithwaite, Andrew Staines and Elizabeth Truss,

We, the undersigned UK-based civil society health and social justice organisations, are writing to urge the UK government to support the adoption of the decision text proposed by India and South Africa in their proposal for “Waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19” (Waiver Proposal). This waiver will be discussed at the upcoming TRIPS Council meeting on 15<sup>th</sup>-16<sup>th</sup> October.

Over recent months the UK has led calls for global collaboration and solidarity to end this pandemic. The UK has recognised that “no one is safe until everyone is safe”,<sup>i</sup> and has supported calls for COVID-19 medical products to be treated as “global public goods”.<sup>ii</sup> We welcome the UK’s contribution of £500m to the COVID-19 Vaccines Global Access (COVAX) Advance Market Commitment (AMC), as well as an additional £71m for the COVAX Facility.

However, as outlined in the letter attached that was sent to all WTO Members on behalf of 379 civil society organisations around the world, there have been no meaningful global policy solutions to ensure that equitable access to COVID-19 medical products becomes a reality. Instead, as Prime Minister Boris Johnson recognised in his recent speech to the United Nations General Assembly, the notion of international community looks “tattered”,<sup>i</sup> and the global pandemic response is laced with inequity at every level.

Despite unprecedented developments in the search for a COVID-19 vaccine, the world’s ability to come together and maximise supply capacity globally will be critical to whether any future successful COVID-19 vaccine is distributed equitably around the world, and is able to protect the most people as quickly as possible. Whilst the UK and other countries have secured potential future doses of COVID-19 vaccines through bilateral deals with pharmaceutical companies, many low- and middle-income countries (LMICs) are being left with little to none of the remaining supply.<sup>iii</sup>

Supply shortages are not only an issue for low- and middle-income countries. Last week a shortage of key COVID-19 drug, remdesivir, led to rationing on the NHS.<sup>iv</sup> Unlike dexamethasone, the only other treatment proven effective against COVID-19, remdesivir is under patent and owned by pharmaceutical company, Gilead. Whilst Gilead has signed voluntary licenses for manufacture and distribution in LMICs, these voluntary licenses exclude nearly half of the world’s population,<sup>v</sup> including the UK. In the context of a global shortage of a patented product such as remdesivir, the only way the UK could guarantee access for its population would be through issuing a Crown Use license for manufacture in the UK, overriding Gilead’s patent.

We, as civil society organisations working on access to medicines, have repeatedly witnessed how intellectual property (IP) monopolies, including patents, have restricted scale up of manufacturing, and undermined the ability of competition in the market to bring down prices of life-saving medical tools.<sup>vi</sup> Furthermore, the demand for any successful COVID-19 product will be on a scale that we

have never seen before, as every country will need access to these products as quickly as possible for their populations.

It is against this backdrop that this waiver presents an opportunity to avoid artificial supply restrictions created by exclusive IP rights. It would allow each country to decide whether to uphold IP protection and trade secrets and would lift obligations to grant such rights. Whilst crown use licensing, or compulsory licensing, would facilitate this on a “country by country”, or “product by product” basis, the TRIPS waiver in question recognises the need for collective global action to tackle these barriers and rapidly scale up production of all successful COVID-19 products.

We are only at the beginning of tackling this pandemic. The remdesivir shortages are a sign of things to come, with pressure mounting on countries to protect the health of their populations whilst balancing this with economic recovery. Artificially restricting supply through IP monopolies and trade secrets during a global pandemic would be catastrophic, first and foremost in terms of the number of lives lost, but also in terms of a spiralling economic crisis on a national and global scale and the personal impacts this would have on each and every one of us.

**We therefore strongly request you to support the adoption of the proposed Waiver at the upcoming TRIPS Council meeting.**

Regards,

MSF Access Campaign and MSF UK

Global Justice Now

STOPAIDS

Just Treatment

UAEM UK

Oxfam GB

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<sup>i</sup> UK Government, *Prime Minister's speech to United Nations General Assembly*. 26th September 2020, [<https://www.gov.uk/government/speeches/prime-ministers-speech-to-un-general-assembly-26-september-2020>]

<sup>ii</sup> World Health Organization (WHO), *COVID-19 response*, 73rd World Health Assembly (WHA). 18th May 2020, [[https://apps.who.int/gb/ebwha/pdf\\_files/WHA73/A73\\_CONF1Rev1-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_CONF1Rev1-en.pdf)]

<sup>iii</sup> *Nature*, *The unequal scramble for coronavirus vaccines — by the numbers*. 24th August 2020, [<https://www.nature.com/articles/d41586-020-02450-x>]

<sup>iv</sup> The Guardian, *Global shortage of key Covid drug leads to NHS rationing*. 6th October 2020, [<https://www.theguardian.com/world/2020/oct/06/global-shortage-of-key-covid-drug-leads-to-nhs-rationing-remdesivir>]

<sup>v</sup> Public Citizen, *Remdesivir should be in the public domain; Gilead's licensing deal picks winners and losers*. 12th May 2020, [<https://www.citizen.org/news/remdesivir-should-be-in-the-public-domain-gileads-licensing-deal-picks-winners-and-losers/>]

<sup>vi</sup> CapX, *The Case against patents for COVID-19 medical tools*. 15<sup>th</sup> May 2020, [<https://capx.co/the-case-against-patents-for-covid-19-medical-tools/>]