



LAYLA MORAN MP

Liberal Democrat MP for Oxford West and Abingdon

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The Rt Hon. Elizabeth Truss MP
Secretary of State for International Trade
Department for International Trade
King Charles Street, Westminster
London, SW1A 2AH

The Rt Hon. Alok Sharma MP
Secretary of State for Business, Energy and Industrial Strategy
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London, SW1H 0ET

23 November 2020

Dear Liz and Alok,

As a cross party group of parliamentarians, we urge the UK Government to support the adoption of the decision text proposed by India and South Africa for “Waiver from certain provisions of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) for the prevention, containment and treatment of COVID-19” (Waiver Proposal). The aim of this Waiver is to prevent intellectual property (IP) barriers from restricting access to COVID-19 medicines, tools, devices and vaccines to ensure all health systems are equipped with the health technologies they need to end this pandemic.

We are deeply concerned by the lack of support for the Waiver in the UK representative’s statement at the recent TRIPS Council meeting on 15th October for the following reasons:

- During the COVID-19 crisis, treatment providers and governments have had to grapple with intellectual property barriers (patents, trade secrets, industrial designs and copyright protections) to essential products such as [respirators](#), [ventilator valves](#), [therapeutics](#) and [reagents for test kits](#). In addition, new promising monoclonal antibody treatments for COVID-19 are being trialled but they are already under patent protection which would limit access in many low and middle income countries (LMICs). If effective, maximising supply and meeting global demand for these treatments will be [challenging](#) unless governments take action now to address these barriers. There are numerous examples of when IP barriers have blocked access to life-saving vaccine products in the past, including for the [pneumococcal conjugate vaccines \(PCV\) and human papillomavirus \(HPV\) vaccines](#).



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- These are not just issues for LMICs. Last month, there was a shortage of COVID-19 medicine, remdesivir, leading to [rationing on the NHS](#). Remdesivir is under patent and owned by pharmaceutical company Gilead who have granted a voluntary license on the treatment which [excludes nearly half of the world's population](#), including the UK. Furthermore, despite receiving more than [US\\$70.5 million](#) in public funding to develop remdesivir, Gilead is selling the medicine at £1,802 (US\$2,340) for a five-day treatment course in most countries - even though it can be manufactured for as little as £6.93 ([US\\$9](#)) [per treatment course](#).

It is against this backdrop that the Indian and South African Governments [asked the World Trade Organization \(WTO\)](#) on the 15th October 2020 to allow all countries to choose to neither grant nor enforce patents and other intellectual property (IP) related to COVID-19 drugs, vaccines, diagnostics and other technologies for the duration of the pandemic, until global herd immunity is achieved. Specifically the Waiver Proposal applies to Section 1 (copyrights and related rights), 4 (industrial design), 5 (patents) and 7 (protection of undisclosed information) of Part II of the TRIPS Agreement. The proposed waiver would be applicable only to COVID-19. It does not suggest a waiver from all TRIPS obligations, nor does it suggest a waiver beyond what is needed for COVID-19 prevention, containment and treatment.

The historical and recent actions by pharmaceutical corporations shows that we cannot rely on their exclusive rights and limited voluntary actions to end this global pandemic. And even though there are existing public health safeguards within the TRIPS Agreement (TRIPS flexibilities) there are often territorial and procedural restrictions that mean they can only be applied on a product-by-product basis or country-by-country basis, making this time consuming and difficult for countries to collaborate around research and manufacturing. Instead we need a more immediate global solution based on collaboration and solidarity with the overall aim of increasing manufacturing capacity to ensure sufficient supplies of vaccines, treatments and other health products to enable **all** countries to tackle COVID-19. By removing IP barriers the Waiver proposal will help this to happen; not only will it speed up research and development and maximise manufacturing capacity it will also make products more affordable by enabling generic competition to help drive down prices.



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Over recent months the UK has led calls for global collaboration and solidarity to end this pandemic and has supported calls for COVID-19 medical products to be treated as “[global public goods](#)”. 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, the COVAX Facility can only be truly effective at managing global access to future vaccines if there are enough doses to go around and this is beyond the capacities of a handful of companies.

We are only at the beginning of tackling this pandemic and we need a longer-term solution that focuses on enabling a rapid scaling-up of production by multiple manufacturers across many countries to meet global demand. Access can’t be an after-thought, we have learned from the AIDS crisis that allowing intellectual property rights to take precedence over human rights will have a catastrophic impact. We can’t allow the same mistakes to be made again. Not only will artificially restricting supply through IP monopolies lead to huge loss of life it will also exacerbate an already spiralling economic crises on a national and global scale.

We therefore strongly request that the UK Government support the proposed IP Waiver at the upcoming World Trade Organisation meetings to ensure all countries have access to the tools they need to protect their populations and end this pandemic for all.

Your Sincerely,

Layla Moran MP

Tahir Ali MP

Paula Barker MP

Apsana Begum MP

Guy Black MP

Alan Brown MP

Dawn Butler MP

Ian Byrne MP

Dan Carden MP

Jeremy Corbyn MP

Wendy Chamberlain MP

Sarah Champion MP

Patrick Grady MP

Andrew Gwynne MP

Neale Hanvey MP

Rachel Hopkins MP

Christine Jardine MP

Kim Johnson MP

Afzal Khan MP

Ian Lavery MP

Clive Lewis MP

Rebecca Long-Bailey MP

Caroline Lucas MP

Kenny MacAskill MP

John McDonnell MP

Navendu Mishra MP

Grahame Morris MP

Sarah Olney MP

Kate Osamor MP

Kate Osborne MP

Bell Ribeiro-Addy MP

Lloyd Russell-Moyle MP

Virendra Sharma MP

Tommy Sheppard MP

Claudia Webbe MP

Philippa Whitford MP

Mick Whitley MP

Nadia Whittome MP

Beth Winter MP

Lord Alderdice

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