

## Briefing for the backbench debate 'Global Vaccine Access'. The TRIPS Waiver and why it matters

13 January 2021

Westminster Hall 13.30 – 15.00

Access to vaccines, diagnostics and treatments varies significantly from country to country. This is due in part to a lack of sustainable and diversified supply. These artificial supply constraints are caused by the monopoly of a handful of multinational pharmaceutical companies on vaccines and other health tools.

### Key issues:

- High-income countries (HIC) have purchased a significant portion of the already limited supply, leaving little for low- and middle-income countries. Only 4.2% of people in low-income countries (LICs) have been fully vaccinated<sup>1</sup> and between November and December 2021, the UK, EU and US received more vaccines than Africa had received all year<sup>2</sup>.
- The World Health Organization (WHO) set a target to vaccinate 40% by the end of 2021, but 92 countries missed this target<sup>3</sup> due to a lack of access.
- COVAX only delivered 700 million<sup>4</sup> of the planned 2 billion vaccine by the end of 2021 and three in four healthcare workers in Africa remain unvaccinated<sup>5</sup>.
- Six times more booster shots are administered around the world daily, than primary doses<sup>6</sup>.
- Openly licensing newly developed COVID-19 technologies, waiving intellectual property (IP) rights and sharing the manufacturing know-how would allow more companies to begin producing life-saving drugs and tools, but companies have refused to waive certain provisions of the certain provisions of the Trade Related Aspects of Intellectual Property Rights (TRIPS) which would do this, despite the significant public funding that went into the development of these tools.

### Key asks of HMG going into 2022:

- The UK must **stop blocking the TRIPS waiver at the World Trade Organisation (WTO) and ensure that the TRIPS waiver includes all forms of Intellectual Property (IP)**, including medical tools beyond vaccines, treatments and diagnostics, and has a minimum duration of five years.
- The UK must **use all means at its disposal to pressure companies to share their technology with the WHO COVID Technology Access Pool (C-TAP) and mRNA Technology Transfer Hub** in South Africa, as well as provide political and financial support to these mechanisms.

### **Inequitable access to COVID-19 medical tools**

By September 2021, G7 countries had purchased over a third of the world's vaccine supply<sup>7</sup>, despite accounting for just 13% of the global population. COVAX, which was set up to ensure access to vaccines in LMICs, has failed to secure a stable supply of vaccines and only managed to deliver 700 of the 2 billion<sup>8</sup> projected vaccines by the end of 2021. Pfizer has only delivered 1% of its global supply to COVAX<sup>9</sup>. As a

<sup>1</sup> <https://ourworldindata.org/covid-vaccinations#what-share-of-the-population-has-been-fully-vaccinated-against-covid-19>

<sup>2</sup> <https://www.theguardian.com/world/2021/dec/23/uk-eu-us-get-more-covid-vaccines-six-weeks-africa-all-year>

<sup>3</sup> <https://apnews.com/article/coronavirus-pandemic-health-world-health-organization-united-nations-03d73750c37eea4d4f31c97422c3fb7f>

<sup>4</sup> <https://abcnews.go.com/Health/wireStory/vaccine-alliance-chief-omicron-trigger-inequity-20-81763404>

<sup>5</sup> <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--22-december-2021>

<sup>6</sup> <https://www.nytimes.com/live/2021/11/12/world/covid-vaccine-boosters-mandates/a-scandal-who-says-the-rate-of-boosters-outstrips-some-poor-countries-vaccinations>

<sup>7</sup> <https://www.bbc.com/news/world-55795297>

<sup>8</sup> <https://apnews.com/article/coronavirus-pandemic-business-health-pandemics-7640f940192fc5e787d03fc402773691>

<sup>9</sup> <https://www.theguardian.com/business/2021/nov/02/pfizer-covid-19-vaccine-sales-2021-biontech>

result, LMICs have become dependent on donations from HICs, which are often delayed, insufficient in quantity and in some cases nearing expiry dates.

Pharmaceutical company monopolies have resulted in unnecessary high prices. In both HICs and LICs, COVID-19 vaccines are the most expensive in history<sup>10</sup>. LICs pay \$6.88 (£5.12) on average per dose for COVID-19 vaccines, compared to \$0.80 a dose for non-Covid jabs. For the Pfizer/BioNTech vaccine, the UK pays up to 22GBP per vaccine, the highest recorded price globally<sup>11</sup>. Meanwhile, the Pfizer/BioNTech vaccine was set to become the most lucrative drug in history in 2021<sup>12</sup>, with Moderna close behind.

### **The TRIPS Waiver and how it can expedite access**

Enabling countries to make and buy their own vaccines, treatments and tests would overcome some access challenges by increasing supply and allowing other manufacturers to join the market. However, pharmaceutical corporations that supply vaccines, treatments and tests hold key patents and other IP. These patents and IP barriers block production, and allow a small number of companies to maintain monopoly.

To address these IP barriers, India and South Africa proposed a temporary TRIPS waiver at the WTO in October 2020. If adopted, countries can choose not to grant or enforce IP (patents, industrial designs, copyright and trade secrets) related to all COVID-19 medical products and technologies. This would remove key production and supply barriers by releasing critical safety, efficacy and manufacturing data to allow for international collaboration and export, and remove legal risks of patent infringement.

The UK Government has opposed the TRIPS waiver, claiming that IP is a necessary condition for innovation, but all the leading vaccine developers have benefited from billions of dollars in public subsidies. The Oxford/AstraZeneca vaccine was 97.6% funded through public and philanthropic means<sup>13</sup>.

The Government also says a waiver will not lead to expedited access, but there is significant manufacturing capacity around the world currently sitting idle. For example, there are over 100 manufacturers across Africa, Asia and Latin America with the potential to produce mRNA vaccines<sup>14</sup>. However, these manufacturers need access to IP, technology, materials, know-how and the policy space to enable collaboration. Companies must share their technology with the WHO COVID-19 Access Technology Pool (C-TAP) and mRNA Technology Transfer Hub in South Africa to expedite the production process.

Gradually the group of countries in opposition to the TRIPS waiver has become smaller, with the majority of countries around the world having expressed their support<sup>15</sup> including most of the Commonwealth countries. The waiver is further backed by hundreds of human rights lawyers, IP scholars, civil society organisations, economists, medical experts, scientists and so forth. Additionally, the First Ministers of Wales and Scotland have also written to the UK government to ask the Government to support the waiver<sup>16,17</sup>. Yet, despite this widespread support, the UK, together with the EU and Switzerland, remains a key obstructer.

Breaking away from pharmaceutical monopolies is vital to reduce further loss of life, both in LMICs but also in the UK. “No one is safe until everyone is safe” are words often repeated by the UK government and Prime Minister. We know that the virus unchecked anywhere will lead to new variants of concern, impeding progress, with the emergence of the Omicron variant demonstrating this risk

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<sup>10</sup> <https://www.independent.co.uk/news/health/covid-vaccine-poorer-countries-latest-doses-b1978215.html>

<sup>11</sup> <https://www.theguardian.com/uk-news/2021/dec/05/wall-of-secrecy-in-pfizer-contracts-as-company-accused-of-profiteering>

<sup>12</sup> [https://www.business-standard.com/article/international/pfizer-faces-scrutiny-over-scale-of-its-covid-profits-says-report-121120500724\\_1.html](https://www.business-standard.com/article/international/pfizer-faces-scrutiny-over-scale-of-its-covid-profits-says-report-121120500724_1.html)

<sup>13</sup> <https://www.theguardian.com/science/2021/apr/15/oxfordastrazeneca-covid-vaccine-research-was-97-publicly-funded>

<sup>14</sup> <https://www.hrw.org/news/2021/12/15/experts-identify-100-plus-firms-make-covid-19-mrna-vaccines>

<sup>15</sup> <https://msfaccess.org/no-patents-no-monopolies-pandemic>

<sup>16</sup> <https://record.assembly.wales/Plenary/12520#C396136>

<sup>17</sup> <https://www.gov.scot/news/action-on-vaccine-inequity/>

**Additional sources:**

- MSF Technical brief – COVAX: a broken promise to the world:  
<https://msfaccess.org/covax-broken-promise-world>
- MSF Technical brief – Sharing mRNA vaccine technologies to save lives:  
<https://msfaccess.org/sharing-mrna-vaccine-technologies-save-lives>
- MSF Technical brief - WTO COVID-19 TRIPS Waiver Proposal: Myths, realities and an opportunity for governments to protect access to medical tools in a pandemic:  
<https://msfaccess.org/wto-covid-19-trips-waiver-proposal-myths-realities-and-opportunity-governments-protect-access>
- MSF Technical brief - India and South Africa proposal for WTO waiver from IP protections for COVID-19-related medical technologies :  
<https://msfaccess.org/india-and-south-africa-proposal-wto-waiver-ip-protections-covid-19-related-medical-technologies>