

WTO TRIPS Waiver

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The proposed TRIPS waiver is essential to ensuring safe, affordable medical access to developing countries

What is TRIPS Waiver?

The TRIPS Waiver proposal was proposed by India and South Africa on 2 October 2020, with the aim of urging WTO countries to free (ignore) the obligation to protect intellectual property rights (IPR) related to the prevention, handling and treatment of Covid-19 temporarily during the pandemic.

Why is TRIPS Waiver proposed?

TRIPS Waiver is proposed to give flexibility to countries in choosing whether to apply IPR protection (patent rights, industrial designs, copyrights, and trade secrets) or not related to handling Covid19. It should be noted, the various drugs, medical equipment and vaccines used in handling Covid-19 are mostly protected by IPR. And no one is allowed to produce, sell, import and export without rights holders' permission.

How does it work?

If member countries agree with the TRIPS waiver proposal, then the production, import and or export of drugs, medical equipment and vaccines related to Covid19 can be carried out in many member countries. So that the availability, affordability and access to drugs, equipment medical and vaccines can be reproduced quickly.

What are the arguments of the Supporting States and Countries Against TRIPS Waiver?

Proponents

the current situation as an "extraordinary situation" caused by the pandemic and argue that IPR protection "hinders or has the potential to hinder the timely provision of affordable medical products"

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Opponents

Argue that the TRIPS agreement has provided flexibility allowing countries to issue licenses to produce, export or import as needed in handling Covid-19.



“The waiver TRIPS proposal will be discussed again at the Meeting the TRIPS board scheduled for March 10, 2021 “

On 10 December 2020, the proposed TRIPS waiver gained further support and co-sponsorship from developing country delegations including Bolivia, Eswatini, Kenya, Mongolia, Pakistan and Venezuela. As a consequence, this proposal has gained increased support from developing countries though it is still not enough to reach the 3/4 majority needed in the WTO to pass the recommendation.

Wealthy nations representing 13% of the world’s population have purchased almost 51% of the global supply of vaccines, exacerbating inequalities to safe and affordable access to vaccinations



The Waiver TRIPS proposal also received support from various parties including the Director General of WHO, Dr Tedros Adhanom Ghebreyesus; UN agency UNAIDS; South Center; senators from the Philippines, Pakistan, Colombia and Malaysia; UNITAID international institutions; MSF (Doctors without limits); more than 400 civil society organizations around the world, 900 thousand people providing personal support, and more.



Wealthynations, including Australia, Canada and Japan, have resisted calls to support the proposal, stating they required further evidence that the current flexibilities under the TRIPS agreement are insufficient.