#### Reducing IPR protections may result in backlash from pharmaceutical companies risking lives

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On April 24, Elizabeth de Carvalhaes, executive president of the Brazilian pharmaceutical company trade group Interfarma, said out loud what the drug industry had up until then avoided uttering in public. In an interview with Folha de São Paulo, the most widely-read newspaper in Brazil, de Carvalhaes declared that if the South American country were to green-light compulsory licensing to expand access to Covid-19 vaccines, pharmaceutical companies might respond by withholding supply of the vaccines. ​“This is not retaliation,” she proclaimed. ​“The demand is much bigger than the supply, and they may find it more advantageous from an economic point of view to sell to countries that do not break patents.”

This was not an idle threat. Interfarma represents Pfizer, Gilead, AstraZeneca and other major pharmaceutical companies. The trade group’s spokesperson made the remarks at a time when Brazil was pushed to the point of desperation: The same day the article was published, more than 71,000 new Covid-19 cases were reported in Brazil. The country’s outbreak has been so severe and uncontrolled that it’s spawned the Gamma variant, which has since spread around the world.

Some countries hope to find relief in compulsory licensing, when a government allows the production of a vaccine without the consent of a patent owner, a move floated in Brazil as a way to urgently expand vaccine access while the pandemic rages. (A compulsory licensing bill has passed Brazil’s Senate but has not yet officially been signed into law.)

Interfarma’s implied threat against such a measure underscores a dynamic that public health advocates say is particularly pernicious during a pandemic: Countries that run afoul of drug companies by supporting measures to override patents risk facing the wrath of an industry that has the power to decide whether a huge swath of their population lives or dies.

#### Pharmaceutical companies have retaliated in the past when IPR has been eased.

Lazare and Guerrero 2nd [Sarah, editor and reporter, journalist, In These Times, "Big Pharma Is Deciding Who Lives and Who Dies in the Global South The chilling effect of the pharmaceutical industry’s veiled threats." July 22, [https://inthesetimes.com/article/pfizer-pharmaceutical-companies-covid-pandemic-coronavirus-latin-america-trips-waiver-vaccines](about:blank) CUT NP

This would not be the first time the pharmaceutical industry has retaliated against countries. In 2007, the U.S.-based Abbott Laboratories refused to supply Thailand with a new HIV treatment in response to the country’s decision to override patent rules on three drugs the company produces, including a cheaper, generic version of the HIV treatment Kaletra. Abbott deliberately withheld a new heat-stable version of Kaletra, which is best suited for countries with hot, muggy climates, and the company was explicit about its punitive intent. ​“This is a consequence, directly, of the Thai government’s decision not to support innovation by breaking the patents of numerous medicines,” said Dirk van Eeden, director for Abbott’s public affairs, according to a 2007 article in Financial Times. (A few weeks later, Abbott reversed its decisions following global outcry.)

But one can look to more recent history to find other forms of industry retaliation. As journalist Lee Fang reported in March, pharmaceutical industry trade groups pressured the Biden administration to impose sanctions on Hungary, Chile and Colombia for their efforts to override patent rules in a bid to improve access to Covid-19 vaccines. This kind of retaliation is not new or unique to the Covid-19 pandemic. Pharmaceutical companies and American lawmakers have threatened India with sanctions for its production of a cheaper version of a cancer drug, and threatened Malaysia with sanctions for its use of a cheaper version of a Hepatitis C drug. Such actions can have a chilling effect. ​“As a result of these and other instances, countries have, understandably, been reluctant to develop more flexible domestic [compulsory licensing] policies and are certainly out of practice in using them,” writes Rachel Thrasher, research fellow at the Global Development Policy Center.

#### If IPR is eased for COVID-19 vaccines, companies are threatening to not develop vaccines in the future

Lazare and Guerrero 3rd[Sarah, editor and reporter, journalist, In These Times, "Big Pharma Is Deciding Who Lives and Who Dies in the Global South The chilling effect of the pharmaceutical industry’s veiled threats." July 22, [https://inthesetimes.com/article/pfizer-pharmaceutical-companies-covid-pandemic-coronavirus-latin-america-trips-waiver-vaccines](about:blank) CUT NP

Pharmaceutical companies and trade groups steer clear of public threats to retaliate for TRIPS waiver support. But industry trade groups are warning that if patent rules are suspended, companies may decide not to pursue research and development for vaccines in the future — a wholly different kind of threat. (In reality, publicly-funded research has been essential to the production of Covid-19 vaccines.) Meanwhile, pharmaceutical companies have other avenues for exerting pressure. Madlen Davies, Rosa Furneaux, Jill Langlois and Iván Ruiz reported for the Bureau of Investigative Journalism in February that ​“Pfizer has been accused of ​‘bullying’ Latin American governments in Covid vaccine negotiations and has asked some countries to put up sovereign assets, such as embassy buildings and military bases, as a guarantee against the cost of any future legal cases.”