# **I affirm the resolution: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines.**

**My value is morality for two reasons:**

1. **The resolution’s use of the word “ought” implies a moral obligation**
2. **Morality allows us to perceive what is inherently good or bad. It is the value upon which we can conceptualize all other values, thus it must be prioritized.**

**My criterion is Increasing Public Health Accessibility**

[**JOSEPH DANA**](https://www.arabnews.com/taxonomy/term/287676) **April 07, 2021**

Since vaccines began emerging in trials, it has been a case of every nation for itself in the West. Richer countries have engaged in an unseemly display of vaccine nationalism. The US is on track to receive 400 million doses of the Pfizer and Moderna vaccines by the end of May and then 600 million in total by the end of July, enough to vaccinate 300 million people. And yet, as the scholar and intellectual Zeynep Tufekci notes, as of the end of March, 130 countries were yet to administer a single dose of vaccine. There is, thus, an imperative for non-Western drug manufacturers — beyond those in China and Russia — to develop, as well as to produce, more vaccines. But beyond the technologies behind vaccine development, there is also a string of intellectual property rights embedded in the manufacturing process. This also needs to be freed up so developing nations’ pharmaceutical companies can churn out more doses, instead of waiting for Western nations to decide when they can finally get access. Even the EU, the self-described champion of the developing world, is engaged in an implicit claim of entitlement with echoes of the unsavoriness of imperialism.

## **Contention 1 is global distribution**

#### **We are trying to create global access to the vaccine**

**Michael Erman, 5-7-2021, "Analysis: U.S. move to loosen vaccine patents will draw drug companies to bargain -lawyers," Reuters, https://www.reuters.com/business/healthcare-pharmaceuticals/us-move-loosen-vaccine-patents-will-draw-drug-companies-bargain-lawyers-2021-05-07/**

(Reuters) - **U.S. support for waiving intellectual property rights on COVID-19 vaccines could be a tactic to convince drugmakers to back less drastic steps like sharing technology and expanding joint ventures to quickly boost global production, lawyers said on Thursday.** "I think the end result that most players are looking for here is not IP waiver in particular, it’s expanded global access to the vaccines," said Professor Lisa Ouellette of Stanford Law School. President Joe Biden on Wednesday supported a proposal to waive World Trade Organization intellectual property (IP) rules, which would allow poorer countries to produce vaccine for themselves. So far COVID-19 vaccines have been distributed primarily to the wealthy countries that developed them, while the pandemic sweeps through poorer ones, like India. The real goal, though, is expanded vaccine distribution. Report ad "If it is possible to increase the rate of scaling up production, this potentially would give the manufacturers a greater incentive to come to an agreement to make that happen,” Ouellette said. **Vaccine makers like Moderna** [**(MRNA.O)**](https://www.reuters.com/companies/MRNA.O)**, Pfizer** [**(PFE.N)**](https://www.reuters.com/companies/PFE.N) **and BioNTEch have argued that patents have not been a limiting factor in supply.** New technology and global limits on supplies are frequently cited as challenges, and both Moderna and Pfizer nevertheless have steadily boosted supply forecasts. **"There is no mRNA in manufacturing capacity in the world," Moderna Chief Executive Stephane Bancel said on a conference call with investors on Thursday, referring to the messenger RNA technology behind both the Moderna and Pfizer vaccine. "This is a new technology. You cannot go hire people who know how to make the mRNA. Those people don't exist. And then even if all those things were available, whoever wants to do mRNA vaccines will have to buy the machine, invent the manufacturing process, invent verification processes and analytical processes."** Report ad 1/4 A medical worker prepares a dose of Oxford/AstraZeneca's COVID-19 vaccine at a vaccination centre in Antwerp, Belgium March 18, 2021. REUTERS/Yves Herman Read More

#### **Every country should be able to make their own vaccines**

**India And, 5-25-2021, "A patent waiver on COVID vaccines is right and fair," No Publication, https://www.nature.com/articles/d41586-021-01242-1**

Every country should have the right to make its own vaccines during a pandemic. That’s the principle underpinning the campaign to temporarily waive intellectual property (IP) protection on coronavirus vaccines. The campaign was initiated by India and South Africa, and is being backed by more than 100 countries, **along with international organizations including the World Health Organization and the United Nations AIDS charity, UNAIDS.** The goal is to reduce the barriers to countries producing their own vaccines — particularly for the lowest-income nations. At present, the proposal does not have the support of the pharmaceutical industry, nor that of most high-income nations. **Instead**, these countries are pledging to share more of their own vaccines with low-income nations and to provide more funding to charitable vaccine-provision schemes such as COVAX. **However**, in a surprising and welcome move earlier this month, the United States, Russia and China came out in support of an IP waiver on vaccines. The significance of the US decision in particular cannot be overstated, because the country is the world’s largest market for pharmaceuticals. **For decades, US governments have worked with industry, universities and other research-intensive nations in setting — and enforcing — IP rules, most recently through the World Trade Organization (WTO), where the IP waiver proposal is being discussed.** Even a few months ago, the mere idea of the United States taking this position would have been unthinkable. Now that it has done so, those countries still holding out — notably Japan, South Korea, the United Kingdom and European Union member states — need to follow suit. [How COVID spurred Africa to plot a vaccines revolution](https://www.nature.com/articles/d41586-021-01048-1)

#### **There aren’t enough vaccines being produced**

**Weber N, Martinsen Al, Sani A, Assigbley Eke, Azzouz C, Hayter A, Ayite K, Baba Aab, Davi Km, Gelting R., 05-21-2021, "Canada, global vaccine supply, and the TRIPS waiver: Le Canada, l’offre mondiale de vaccins et l’exemption ADPIC," PubMed Central (PMC), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8139222/**

There is a critical undersupply of approved vaccines. **There is also gross inequity in global vaccine distribution,** largely due to a small number of wealthier countries such as Canada making bilateral advance purchase agreements with pharmaceutical manufacturers of the (then) main vaccine candidates. As of mid-April 2021, the WHO estimates that 87% of available approved vaccines have gone to high- and upper-middle-income countries while low-income countries have received just 0.2% **(WHO 2021a), the remainder going to lower-middle-income countries.** The health and economic losses this brings to the world’s already-poor will persist into 2022 and beyond. Yet there is considerable slack vaccine manufacturing capacity worldwide that could be used to rapidly produce more vaccines. A key barrier preventing this are the intellectual property rights privately owned by the vaccine manufacturers **despite most of the development costs having been publicly financed.** The rights are legally enforced through the World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).  **In October 2020, India and South Africa requested a temporary waiver of certain sections of the TRIPS agreement.** A waiver would allow capable manufacturers to increase the supply of vaccines and other COVID-19-related medical treatments and supplies **without fear of a costly trade dispute.** Canada is one of a small number of WTO member states that are not supporting the waiver largely on the grounds that existing TRIPS flexibilities are sufficient. We disagree, as do the WHO, UNAIDS, many EU parliamentarians, over 110 WTO member states, and hundreds of health research and development organizations worldwide (Labonté & Johri 2020).

## **Contention 2 is waiving the patent**

#### **Should we support IP waivers?**

**Amelia Cheatham,, 5-26-2021, "The Debate Over a Patent Waiver for COVID-19 Vaccines: What to Know," Council on Foreign Relations, https://www.cfr.org/in-brief/debate-over-patent-waiver-covid-19-vaccines-what-know**

**The COVID-19 pandemic has reignited a long-running debate about the right balance between private profits and public health.** Many experts and activists contend that World Trade Organization (WTO) rules on intellectual property (IP) limit poor countries’ access to critical medicines. **Others say the IP rules are needed to incentivize drugmakers. Countries are now discussing whether to suspend the WTO rules amid the pandemic.** How did the debate kick off? More From Our Experts [Jennifer Hillman](https://www.cfr.org/expert/jennifer-hillman) [Who Built That? Labor and the Belt and Road Initiative](https://www.cfr.org/blog/who-built-labor-and-belt-and-road-initiative) In late 2020, a group of developing countries led by India and South Africa put forth a proposal at the WTO to temporarily waive IP protections for vaccines and other products needed to fight the pandemic until most of the world’s population is immune. **The last time the WTO altered its rules on the sale of patented medical products was in 2003.** More on: COVID-19 Intellectual Property World Trade Organization (WTO) Wealthy countries,

including the United States, initially balked at the proposal.

#### **Reasons for waiving the patents**

**Kumar, Krishna B., 05-17-2021, "Vaccine Patents Debate Risks Becoming a Sideshow," No Publication, https://www.rand.org/blog/2021/05/vaccine-patents-debate-risks-becoming-a-sideshow-in.html**

As COVID-19 cases continue to surge around the world—in India, Brazil, Egypt, Turkey, Pakistan, and elsewhere—the debate is raging over whether patents on existing vaccines should be waived. India and South Africa filed a request (PDF) last October with the World Trade Organization (WTO) to temporarily suspend intellectual property rights related to COVID-19 vaccines, medicines, and technologies, and renewed their push earlier this month. Their request has been supported by more than 100 WTO member states. **The U.S. administration has come out in support of the waiver, as have Pope Francis and the chief of the World Health Organization.** European Union countries—most notably Germany and France, which led efforts last year to ensure global availability of vaccines—have argued against the waiver. So has the pharmaceutical industry. **The WTO has waded into the debate cautiously, suggesting licensing agreements and partial sharing of knowledge.** With battle lines drawn, both sides seem to overstate some of their arguments. Drug patents, including for vaccines, are [awarded](https://www.healthaffairs.org/doi/10.1377/hlthaff.2014.1047) to pharmaceutical companies for a fixed period of time to allow them to earn monopoly profits in return for taking risks to invest in drug discovery. Those arguing in [favor](https://www.economist.com/by-invitation/2021/04/20/mariana-mazzucato-jayati-ghosh-and-els-torreele-on-waiving-covid-patents) of patent waivers typically are doing so on the grounds of humanitarianism, equitable access, and the mutual benefits arising from widespread vaccination. But they also point out that profits have already accrued to pharmaceutical companies through government subsidies

#### **The waiver will boost production**

**Amelia Cheatham,, 5-26-2021, "The Debate Over a Patent Waiver for COVID-19 Vaccines: What to Know," Council on Foreign Relations, https://www.cfr.org/in-brief/debate-over-patent-waiver-covid-19-vaccines-what-know**

Why are countries asking for the waiver? Proponents say the waiver could [boost the production of vaccines](https://www.washingtonpost.com/opinions/2021/04/26/preserving-intellectual-property-barriers-covid-19-vaccines-is-morally-wrong-foolish/) and other live-saving products. **The WTO’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) commits members to guaranteeing a minimum level of IP protection, including twenty-year patents and safeguards for copyrights, trade secrets, and industrial designs.** Those rules, advocates of the waiver say, are preventing companies other than the inventors from manufacturing critical medical products. A notice about the shortage of COVID-19 vaccines is seen at a vaccination site in Mumbai, India. Francis Mascarenhas/Reuters Share In their initial proposal, India and South Africa cited an example of such a bottleneck: early in the pandemic, the United States suffered N95 respirator shortages which led Kentucky Governor Andy Beshear to call on the manufacturer to lift its patents. Waiver proponents **also** point to the generous government funding that pharmaceutical companies received to support their development of COVID-19 vaccines and argue that the public is entitled to greater access even if that means fewer profits. The World This Week A weekly digest of the latest from CFR on the biggest foreign policy stories of the week, featuring briefs, opinions, and explainers. Every Friday. Email Address [View all newsletters >](https://link.cfr.org/join/66n/signup&hash=2d4c5929e9e04cc42f5cd375fb8dcfb1)

## **Contention 3 is vaccine-prize**

#### **The waiver won’t have enough of an effect to make a difference**

**Amelia Cheatham,, 5-26-2021, "The Debate Over a Patent Waiver for COVID-19 Vaccines: What to Know," Council on Foreign Relations, https://www.cfr.org/in-brief/debate-over-patent-waiver-covid-19-vaccines-what-know**

**Without a waiver, governments still have the authority to allow companies to** [**produce a patented product**](https://www.wto.org/english/tratop_e/trips_e/factsheet_pharm02_e.htm) **without the rights-holder’s consent during public health emergencies—known as compulsory licensing. But those in support of a waiver say the process is too complicated and piecemeal.** In addition, the United States and other wealthy countries have looked unfavorably on, and often pressured, countries that grant compulsory licenses. What do opponents say? **To opponents**, the waiver is a red herring that will do little to improve global vaccine distribution while eliminating incentives for innovation. Pharmaceutical companies, health experts, and some governments argue that IP rules—and the profits they allow—promote the development of breakthrough technologies such as the COVID-19 vaccines. They also say that low manufacturing capacity, not patents, is the biggest impediment to global vaccination efforts. Get the Background A Guide to Global COVID-19 Vaccine Efforts Even if the patents were waived, critics argue, many countries would be unable to produce the vaccines without the technical expertise of the inventors or access to critical ingredients that are already in short supply. Meanwhile, some U.S. lawmakers and experts are leery of allowing China and other rival countries to [obtain essential IP](https://news.bloomberglaw.com/ip-law/china-will-steal-u-s-vaccine-ip-via-waiver-gop-senators-say). **Instead of an IP waiver, the United States should** [**stop hoarding vaccines**](https://www.wsj.com/articles/patent-busting-wont-help-vaccinate-the-world-faster-11620591133?reflink=desktopwebshare_twitter) **and increase its exports, argue former U.S. Food and Drug Administration (FDA) Commissioner Scott Gottlieb and former Acting FDA Chief Scientist and CFR Senior Fellow Luciana Borio. In addition, they say, vaccine-producing countries such as Australia, Belgium, France, Japan, and the United Kingdom should invest in a major manufacturing expansion.** CFR’s Thomas J. Bollyky and Jennifer Nuzzo say a patent waiver [will not be enough](https://www.worldpoliticsreview.com/articles/29672/building-global-vaccination-capacity-requires-more-than-a-covid-vaccine-patent-waiver), and have urged countries to create a “geographically distributed vaccine manufacturing network” to produce vaccine prototypes for the COVID-19 crisis and future pandemics.

#### **We need to do more than just waive the patents**

**Michael Erman, 5-7-2021, "Analysis: U.S. move to loosen vaccine patents will draw drug companies to bargain -lawyers," Reuters, https://www.reuters.com/business/healthcare-pharmaceuticals/us-move-loosen-vaccine-patents-will-draw-drug-companies-bargain-lawyers-2021-05-07/**

To increase vaccine production capacity significantly within two years, the Biden administration would need to do much more than waive patents, including providing funding to find and build new manufacturing sites, and backing technology and expertise transfer to the new manufacturers, said drug supply chain expert Prashant Yadav. Moreover, the U.S. government must guard against allowing foreign companies to use COVID-19 vaccine makers’ technology to compete in areas outside of COVID-19, which are likely to be more lucrative in the long term, said Thomas Kowalski, an attorney at Duane Morris who specializes in intellectual property. Once a competitor has the technology, restrictions on use are difficult to enforce, he said. Professor Sarah Rajec **of William & Mary Law School** said she did not think a waiver itself would do as much as the signal from the United States, **a stronger supporter of corporate intellectual property, that patent rights take a backseat to the urgent needs of the world population during the pandemic.** Rajec said Biden’s support for a waiver "pushes the drug companies to be more open to partnerships, and other licensing on favorable terms, in a way that perhaps they otherwise wouldn’t be." Report ad Drugmakers argue that they have already struck significant partnerships, sharing technology with competitors who they might not have linked up with if not for the pandemic. “Our position is very clear: this decision will further complicate our efforts to get vaccines to people around the world, address emerging variants and save lives," Brian Newell, spokesman for pharmaceutical industry group Pharmaceutical Research and Manufacturers of America said **in a statement.** European patent attorney Micaela Modiano said that even if the waiver is adopted, vaccine makers are likely to negotiate for some payment, if less than what is generally paid in licensing arrangements. Her firm Modiano & Parners represents Pfizer but has not worked on any COVID-19 related matters. "I would imagine that the pharmaceutical companies are already and will continue to lobby significantly to make sure that if this waiver proposal passes, that it just doesn't pass as such, but that they receive some sort of financial compensation," she said.

#### **vaccine-prize**

**Kumar, Krishna B., 05-17-2021, "Vaccine Patents Debate Risks Becoming a Sideshow," No Publication, https://www.rand.org/blog/2021/05/vaccine-patents-debate-risks-becoming-a-sideshow-in.html**

Instead, the global community could view patent waivers as just one of many available tools for speeding up vaccine delivery worldwide. For instance, buyouts of patents could be explored—something like an after-the-fact [vaccine prize](https://www.rand.org/blog/2020/05/needed-a-blueprint-for-a-post-vaccine-world.html) that might incentivize pharmaceutical companies to develop drugs to treat diseases such as malaria that mainly plague poor countries. **The global community could view patent waivers as just one of many available tools for speeding up vaccine delivery worldwide.** [**Share on Twitter**](https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.rand.org%2Fblog%2F2021%2F05%2Fvaccine-patents-debate-risks-becoming-a-sideshow-in&text=The+global+community+could+view+patent+waivers+as+just+one+of+many+available+tools+for+speeding+up+vaccine+delivery+worldwide.&via=RANDCorporation) **For now, afflicted countries have plenty on their plate.** They can focus on enforcing [public health measures](https://www.usnews.com/news/world-report/articles/2021-05-03/indias-catastrophic-coronavirus-surge-highlights-global-vulnerabilities), shoring up their health infrastructure, aiding hospitals, ramping up vaccine production under existing patenting laws, and [effectively dispensing](https://slate.com/technology/2021/05/covid-19-vaccines-india-appointments-registration.html) the vaccines available. Richer countries that are on the mend could explore [increasing](https://www.wsj.com/articles/covid-19-vaccine-manufacturing-in-u-s-races-ahead-11616328001) their own production and distribution of vaccines, donate unused vaccines, and provide technical and material assistance on issues such as appointment scheduling and [logistics](https://www.npr.org/sections/goatsandsoda/2021/05/05/991684096/they-desperately-need-covid-vaccines-so-why-are-some-countries-throwing-out-dose). Perhaps the patent debate will be resolved soon. **Or** a pharmaceutical company might step forward to sell its patent for costs incurred and earn brand recognition, customer loyalty, and the gratitude of humanity. But the world need not hold its collective breath. There is much to be done to improve supply chains, production, and distribution in the ongoing battle to defeat COVID-19.