



October 31, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden,

On behalf of the Alliance for Biosecurity (Alliance), I write to express our opposition to any expansion of the World Trade Organization's (WTO) waiver of intellectual property protections for COVID-19 vaccines.

As you know, by December 17, 2022, WTO members will decide whether to expand the organization's June 2022 waiver -- which currently covers only COVID-19 vaccines -- to also include COVID-19 diagnostics and therapeutics.¹ We urge your administration to reject this expansion, which would not increase the supply of treatments and tests to developing countries, but rather endanger our national security by handing over valuable technology to our adversaries with no strings attached.

The Alliance promotes strong public-private partnerships between the government, the biopharmaceutical industry, and other stakeholders to make sure our country has appropriate national public health security countermeasures in place, including stockpiles of effective countermeasures against biological threats, including pandemics.² We commend your administration for its ongoing efforts to ensure adequate supply and distribution of COVID-19 vaccines and therapeutics in the United States and around the world.

However, the COVID-19 vaccine waiver does not work as its supporters intended. It does not improve the supply and distribution of COVID-19 vaccines, since it does not address the main issues preventing vaccine uptake, like vaccine hesitancy and infrastructure challenges in developing countries.

Expanding the waiver to include therapeutics and diagnostics would also not improve the supply and distribution of these products to patients around the world, because the world already has plenty. For this year alone, governments and NGOs have 80 million courses for COVID-19 treatments, including 35 million in low- and middle-income countries.³ Yet, countries have only administered 18 million courses.⁴

¹ <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/WT/MIN22/W15R2.pdf&Open=True>

² <https://www.allianceforbiosecurity.com/what-we-do-1>

³ <https://phrma.org/resource-center/Topics/Intellectual-Property/Harms-of-TRIPS-Waiver-Expansion>, pg 4

⁴ <https://phrma.org/resource-center/Topics/Intellectual-Property/Harms-of-TRIPS-Waiver-Expansion>, pg 4

The world has so many COVID-19 treatments because of IP rights, not in spite of them. That is because companies, including our members, rely on IP protections when making new investments in research and development. Without IP rights, they would not risk billions of dollars to turn that basic research into experimental treatments that may -- or may not -- make it to patients. To date, companies have spent over \$24 billion on clinical trials for over 1,200 COVID-19 vaccines and treatments.⁵

IP protections also incentivize pharmaceutical companies to share medical technology because they prevent others from copying a treatment without a licensing agreement. In fact, IP protections underpin over 140 agreements between American companies and global partners in more than 30 countries to develop and distribute COVID-19 treatments.^{6 7}

All these waivers do is undermine the ability of government and biotech companies, including our members, to partner with one another in developing and distributing future medical innovations and sharing relevant technology in the face of public health emergencies.

Worst of all, the expanded waiver would hand over sensitive biological research and technology to America's geopolitical adversaries. In fact, the expanded waiver could force companies to hand over their technological know-how to state-owned companies in countries like China and Russia. These adversaries could gain R&D capabilities developed, in part, with taxpayer dollars. Consider, for example, that the Defense Advanced Research Projects Agency (DARPA) invested millions in vaccine research, which helped Moderna and Pfizer/BioNTech develop their mRNA vaccine.⁸ Expanding the waiver to diagnostics and therapeutics would signal to companies that partnering with government agencies like DARPA, and spending billions of their own capital to develop treatments, could end in our geopolitical rivals helping themselves to years or even decades' worth of American intellectual property.

Members of the Alliance value your administration's commitment to ensuring that sensitive American technology with military security implications stays in American hands, as you recently did with semiconductor technology.⁹ As such, we urge you to take a firm stand at the WTO and reject the IP waiver expansion – doing so will allow your administration to show Americans that you care about their biosecurity, too.

Sincerely,



The Honorable Jack Kingston
Squire Patton Boggs
Secretariat, Alliance for Biosecurity

⁵ <https://phrma.org/resource-center/Topics/Intellectual-Property/Harms-of-TRIPS-Waiver-Expansion>, pg 9

⁶ <https://catalyst.phrma.org/partnerships-are-driving-global-covid-19-treatment-access>

⁷ <https://phrma.org/resource-center/Topics/Intellectual-Property/Harms-of-TRIPS-Waiver-Expansion>

⁸ https://www.washingtonpost.com/national-security/how-a-secretive-pentagon-agency-seeded-the-ground-for-a-rapid-coronavirus-cure/2020/07/30/ad1853c4-c778-11ea-a9d3-74640f25b953_story.html

⁹ <https://www.washingtonpost.com/technology/2022/10/17/export-controls-us-china-chips/>