

Alliance
for
Biosecurity
Secretariat

June 10, 2022

Ambassador Katherine Tai
United States Trade Representative
600 17th Street NW
Washington, D.C. 20508

Dear Ambassador Tai,

On behalf of the Alliance for Biosecurity, I write to express our organization's continued concerns with ongoing negotiations to waive intellectual property (IP) protections for COVID-19 technologies, including vaccines, at the World Trade Organization's (WTO) Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS).¹

The Alliance promotes a stronger, more effective partnership between government, the biopharmaceutical industry, and other stakeholders to advance their shared goal of developing critically needed medical countermeasures – a partnership that is vital to global pandemic preparedness. We continue to commend the Biden Administration's efforts to reengage with the global community to counter the COVID-19 pandemic, including its decision to join the COVAX vaccine distribution program. Global coordination and consultation are critical to pandemic preparedness.

However, we remain deeply concerned that undermining IP protections would do nothing to address access challenges related to vaccine supply or distribution (e.g., lack of infrastructure in developing nations, vaccine hesitancy). Instead, it would set a dangerous precedent for future medical investments, while doing little – if anything – to address the issues plaguing vaccine supply chains and distribution efforts.

Waiver supporters argue that weakening IP rights will expand access to vaccines, but our member companies disagree. Companies like those in the Alliance – partnering with government and other stakeholders – have worked tirelessly to address supply chain shortages that burdened early vaccine manufacturing efforts. Vaccine demand is falling around the world, as many countries now have full, if not overflowing, stockpiles and dwindling production needs as a result. In many countries, anyone who wants a vaccine can get one. In others, refrigeration, lack of staff training, and other distribution challenges hamper efforts to administer vaccines outside of major metropolitan areas. And for many, misinformation about the vaccine and COVID-19 pandemic

¹ See, e.g., https://www.wto.org/english/news_e/news21_e/trip_23feb21_e.htm

have hampered efforts to increase vaccination rates. To be clear: the proposed waiver would do nothing to address these challenges.

Waiving IP protections on mRNA technology will do nothing to increase vaccination rates at this time. Instead, it could do significant harm to IP holders, including biotech companies like our members. Any country – including those deemed by the United States to be adversarial to our national security and economy interests – would have *carte blanche* to use all of these technologies for any (including non-COVID) purpose without legal repercussion. As we noted in our May 2021 letter, the Defense Advanced Research Projects Agency (DARPA) has invested millions of dollars in early-stage vaccine research, which helped lay the foundation for the Moderna and Pfizer/BioNTech mRNA shots.²³ Granting the petition would mean that U.S. taxpayers inadvertently advanced our adversaries’ scientific knowledge and biological R&D capabilities. And since there would be no way to govern or monitor what nations like Russia do with the information they glean through this waiver, U.S. technology could easily wind up in the hands of Iran or North Korea. And again, this waiver suggests that the reward for companies partnering with the Biomedical Advanced Research and Development Authority (BARDA) to develop, manufacture, and scale a COVID-19 vaccine, and who brought these products across the finish line, is for the government to undermine their IP rights without any direct benefit to the general population. The Administration should be working to build on the successes of government-business partnerships rather than implementing a damaging waiver that will discourage such beneficial collaborations.

Instead of undertaking complex negotiations that are unlikely to have any real effect on global vaccination rates, we urge you and your partners focus on deploying the technologies critical to vaccine storage and administration, as well as educational campaigns to address vaccine misinformation and hesitancy. Protecting American intellectual property remains a crucial tool in the fight against future pandemics.

Sincerely,



The Honorable Jack Kingston
Secretariat
Alliance for Biosecurity

cc: The Honorable Richard Neal
The Honorable Kevin Brady
The Honorable Ron Wyden
The Honorable Mike Crapo

² 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

³ 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

The Honorable Gregory Meeks
The Honorable Michael McCaul
The Honorable Robert Menendez
The Honorable James Risch