

OPINION PIECE

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Vaccine knowledge needs to be a global public good

The global health crisis caused by the COVID-19 outbreak has laid bare the lack of an effective mechanism for the sharing of IP and technology required to produce the diagnostics, therapeutics and vaccines to respond to the pandemic.

The WHO established, in May 2020, well before the first vaccines came to market, the COVID-19 Technology Access Pool (C-TAP): a mechanism to allow the sharing of the IP, know-how, data and technology that are needed to meet the global need for 11 billion doses of COVID-19 vaccines, as well as diagnostics and treatments.

Companies have so far refused to collaborate with C-TAP, citing the age-old talking point that sharing IP is detrimental to future investments in pharmaceutical innovations – even though the development of COVID-19 vaccines has been de-risked with unprecedented amounts of public financing. Governments have spent 93 billion Euro on the development of vaccines, therapeutics, and diagnostics. It is therefore a reasonable expectation that both the products and the IP associated with them would be shared globally as public goods.

Instead of joining COVAX – a multilateral vaccine-sharing scheme to ensure the equitable distribution of vaccines – wealthy nations placed pre-purchase orders and hoarded vaccines, leaving developing nations behind in the queue.

The failure to deliver those goods has prompted various proposals for compulsory measures to close the know-how gap. On 2 October 2020, India and South Africa proposed a temporary waiver from certain obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) for the duration of the pandemic – a rather modest proposition that was nevertheless initially met with opposition from most high-income countries, except for the United States, which supports a TRIPS waiver but only for COVID-19 vaccines. The European Union is promoting the use of compulsory licensing of patents instead.

Such measures, however, have limitations when it comes to the COVID-19 vaccines, because their production and rapid scale up require the transfer of know-how and technology and therefore the collaboration of rights-holders. It is important that the discussions at the WTO on the TRIPS waiver address how the know-how gap can be closed.

Since the WHO declared COVID-19 a public health emergency of international concern on 30 January 2020, gross inequities have emerged. While rich countries are beginning to regain a level of pre-pandemic normalcy, the disease is surging in areas where vaccines are not sufficiently available, creating a breeding ground for new variants of the virus which puts everyone at risk. In July 2021, only 15 million people in Africa – just 1.2 per cent of the

African population – were fully vaccinated, and death rates were increasing rapidly on the continent, mostly affecting young people. This calls for an immediate action to donate vaccines and get them into people's arms.

To be better prepared for future outbreaks, the world needs new rules to ensure automatic access to technologies and IP in the case of a pandemic. The pandemic treaty negotiations scheduled to start in the fall of 2021 offer an opportunity to regulate this. Such regulations should have the following features:

- (1) Access to technologies to prevent and treat a pandemic-potential disease should not be burdened with monopolies. Sharing of know-how and technology should be assured and not subject to controversy in the middle of a pandemic.
- (2) Public financing for research and the development of vaccines and treatments should be abundant, predictable, and provided upon the conditions that (a) the know-how is open-sourced for others to use either in further research or to produce at-scale and (b) that resulting products are priced fairly.
- (3) Vaccine production capacity should be created in the regions in the world that currently have no or insufficient production capacity.

Preparedness for the next pandemic should start now, not when the next crisis is in full swing.