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Waiving Intellectual Property Protection for Covid-19 Vaccines

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Why in News

The **United States** has announced the **support for waiving Intellectual Property (IP) protection for Covid-19 vaccines.**

The decision is a breakthrough in India and South Africa's attempts to get **World Trade Organisation (WTO)** member countries to agree to such a waiver to fight the pandemic equitably.

Key Points

- **About:**
 - The **1995 agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)** requires ratifying countries to adopt a minimum standard of intellectual property rights to protect creators and promote innovation.
 - **India and South Africa have proposed a waiver from the implementation and application of certain provisions of the TRIPS Agreement** (waiving IP rights like patents, copyright, and trademarks) **for prevention, containment or treatment of Covid-19.**
 - **If the waiver is granted**, WTO member countries will not be under an obligation, for a temporary period, to either grant or enforce patents and other IP-related rights to Covid-19 drugs, vaccines, and other treatments.
 - This will immunise the measures adopted by countries to vaccinate their populations from claims of illegality under WTO law.

- **Need to Waive Patents on Covid Vaccines:**
 - **Monopoly of Drug Companies:** At present, only drug companies which own patents are authorised to manufacture Covid vaccines.
A lifting of patents will allow the formula to be shared with other companies.
 - **Vaccine Cost:** Once the formula is shared, any company which possesses the required technology and infrastructure can produce vaccines.
This will lead to **cheaper and more generic versions** of Covid vaccines and will be **a big step in overcoming vaccine shortage.**
 - **Inequitable Distribution of Vaccines:** This has opened up a glaring gap between developing and wealthier countries now.
 - The countries having surplus doses of vaccines have already vaccinated a considerable percentage of their population and are returning to normalcy.
 - Whereas, the poorer nations continue to face shortages, have overburdened healthcare systems and hundreds dying daily.
 - **Against the Interests of the World:** The longer Covid circulates in developing nations, there is a greater chance of more vaccine-resistant, deadly mutations of the virus emerging.
- **Significance for India:**
 - **Help in Increasing Production:** The bulk of the vaccine doses produced in India are taken up by foreign countries which **could pay more for the doses.**
This move can help **scale up production to meet demand** besides making the vaccines **more affordable for everyone.**
 - **Preparation for the Third Wave:** Indian authorities have stated that the third wave of the pandemic is inevitable.
Once the number of cases and deaths plateau, addressing shortages and making more affordable vaccines readily accessible could be the best way to prepare for the surge once again.
- **Counter Arguments:**
 - **Vaccine Quality and Safety may get Compromised:** Lifting of patents would be a compromise on control of safety and quality standards for vaccine manufacturing.
 - **Disincentive Pharmaceutical Companies:** Lifting of patents would be a huge deterrent to investing heavily on vaccine development during pandemics in the future.
 - **Can Lead to Confusion:** Eliminating those protections would undermine the global response to the pandemic, including ongoing effort to tackle new variants.
It will create confusion that could potentially undermine public confidence in vaccine safety, and create a barrier to information sharing.

Way Forward

- Waiving IP protections alone isn't enough to make vaccines available around the world. The countries must work with each other to expand manufacturing capabilities and support international vaccines.
- It's important for both Indian manufacturers and the government to address concerns of patent holders to make sure that India's vaccination drive is not compromised in any way.

Source: IE