

COVID-19 Pandemic is one of the deadliest ever faced by mankind. Millions of people have succumbed their lives to this deadly disease. The HealthCare system of multiple nations all over the world have been stressed to their limits. People have lost their jobs and been asked to stay home as countries impose strict measures and lockdowns. Businesses have also suffered immensely during this Pandemic. Rigorous efforts have been made by various pharmaceutical companies in trying to come up with a vaccine to fight this disease that has invaded its roots deep into our world.

After numerous trials and errors and millions invested in the making of these vaccines, Pharmaceutical companies like Pfizer, Moderna, and AstraZeneca etc. have successfully come up with vaccines.

### **What are the IP and Patent rights of Vaccines?**

Pharmaceutical Companies like Pfizer etc. are awarded IP and Patent rights for their successful invention, and the time and millions invested in the Research and Development of these vaccines.

Meaning that these companies own the sole rights to produce and manufacture the vaccine that they have developed and sell it at a price that can cover the costs invested into the Research and Development of the vaccine.

But, in unprecedented times like these, this can be controversial.

### **Why do we need a vaccine patent waiver?**

According to an [editorial\[1\]](#) in Nature Magazine, the world needs 11 billion doses of the Covid-19 vaccine to immunize about 70 per cent of the world's population. A remarkable order for 8.6 billion doses has been confirmed. But, about 6 billion doses of these will be going to the high and upper-middle-income nations. Unfortunately, only about one-third of the available vaccines are accessible to poorer nations which account for about 80 per cent of the world's population.

Richer countries have placed substantial large orders with these group of companies manufacturing vaccines, most of which are based in richer countries. Researchers predict that at this pace it will take at least

a duration of another two years until a substantial amount of the population in the low-income countries are vaccinated.

This is why India and South Africa leading about 100 low-income countries with them have come together and made a proposal at the World Trade Organisation (WTO) seeking temporary relaxations of the Intellectual Property (IP) and Patent rights on Vaccines under the Agreement of Trade-Related Aspects of Intellectual property rights, also known as the TRIPS Agreement.

This was greatly opposed by nations like the US, UK EU, Japan, Australia etc. The European Union [said\[2\]](#) “undermining or upending intellectual property rights is a no-go as they represent a major contribution to expanding production of COVID-19 vaccines”.

### **What are the solutions being offered?**

In a [report\[3\]](#) in The Financial Times, it was noted that many vaccines maker companies have warned of the US officials saying that the IP wavier could hand over the technology such as mRNA to China and Russia.

The mRNA technology underlying some vaccines helps the creation of antibodies in the body without introducing any part of the virus into the receipts.

To help, Companies have offered different alternatives to patent wavier. For example, in June 2020, AstraZeneca [shared\[4\]](#) their license so that the production and manufacturing of their vaccine could be accelerated. The agreements were made with Epidemic Preparedness Innovations (CEPI), Gavi the Vaccine Alliance and The Serum Institute of India.

In October 2020, Moderna released a [statement \[5\]](#) where they announced that they would not enforce Covid related patents. However, this won't be proving to help much as it is important that they share the know-how to ramp up the production and manufacturing of their vaccine.

### **Present Time**

The second wave of Covid-19 has hit India disastrously. India has recorded an all-time high with 300,000 plus new cases in a day and reports 3,780 fatalities in a day. The new strain of the virus is much more easily transmissible and is affecting millions of people. The country is also suffering from oxygen shortages and the medical system is stressed to its limits.

It has become important now more than ever to get people vaccinated as soon as possible. However, being vaccinated doesn't mean that one might never contract the virus, it simply ensures that one's body is ready to fight the virus with antibodies already present.

Countries like UK, Russia, US have come forward to help India with resources but it can only be of little help.

In a recent [development\[6\]](#), US President Joe Biden amidst the intense pressure to waive protections for vaccine manufacturers, with also the criticism that rich nations were hoarding vaccine shots has come forward to announce that they support the global waiver on patent protections for Covid-19 vaccines, in solidarity to help poorer nations that have struggled to access these vaccines.

## **Conclusion**

The waiver on the IP and Patent rights on the vaccines seem more urgent and necessary than ever in such grave conditions. The idea of a temporary IP waiver is needed to be considered seriously as it could play a role in ramping up and accelerating the end of the pandemic. Richer countries and Pharmaceutical Companies should send out a message that they are willing to forgo these company profits for the greater good. We are going through a Humanitarian crisis. People, Nations and Corporates all need to come together so as to overcome and fight and end this Pandemic.