



Intellectual Property and Trade Measures to Address the Covid-19 Crisis

As the Covid-19 virus continues to spread globally, immediate actions to fight the pandemic is a major priority for all governments. In this time of crisis, the timeliness of response is critical.

A coordinated global effort is required to ensure access to affordable, safe and effective treatments, diagnostics and vaccines that are developed, as well as access to medical supplies and devices.

The South Centre views with concern the attempts by some governments and industry players to monopolize the availability of those products for their own nationalist agenda or to maximize profit, ahead of societal interest in tackling this global public health emergency. The private enforcement of patents and government trade restrictions may pose a dire threat to the containment of the Covid-19 pandemic.

Governments should act swiftly to put in place legislation and plans to ensure that patents and trade measures do not become barriers for access to treatments, diagnostics, medicines, medical supplies and devices needed.

The South Centre invites governments to take the following actions:

Call to Action

- Take policy and legislative measures to ensure that patents and other intellectual property do not erect barriers to access to medicines, diagnostics, vaccines and medical supplies and devices.
- Streamline and plan to make use of the legislative measures to permit the compulsory licensing or government use of products that are protected by patents.¹
- Provide for exceptions and waivers in case data exclusivity regulations would prevent the marketing approval of generics and biosimilars.²

¹ A South Centre updated Guide for the issuance of compulsory licenses and government use of patented pharmaceuticals will be circulated soon. See WIPO compilation of provisions on compulsory licenses and government use by country at https://www.wipo.int/edocs/mdocs/scp/en/scp_30/scp_30_3-appendix1.pdf.

² See Carlos Correa, Mitigating the Regulatory Constraints Imposed by Intellectual Property Rules under Free Trade Agreements, South Centre Research Paper 74 (February 2017), available at https://www.southcentre.int/wp-content/uploads/2017/02/RP74_Mitigating-the-Regulatory-Constraints-Imposed-by-Intellectual-Property-Rules-under-Free-Trade-Agreements_EN-1.pdf.

- Condone export restrictions of any essential medical supplies, devices or technologies including diagnostics, medicines and vaccines.
- Take measures to facilitate the local manufacturing or import of essential medical supplies, devices or technologies including diagnostics, medicines and vaccines.

The South Centre offers its policy and legal expertise to support governments' actions, in accordance with international intellectual property and trade rules.