

Patent-related activities with respect to COVID-19 pandemic in the context of WHO, WIPO, WTO Trilateral cooperation

Chair,

We would like to thank you for the opportunity to present patent-related activities with respect to the COVID-19 pandemic in the context of the WHO-WIPO-WTO Trilateral Cooperation to the 34th Standing Committee on the Law of Patents. Since our presentation on the work of WIPO within the Trilateral Co-operation at the 17th and 19th sessions of the SCP, WIPO has maintained its longstanding commitment to the Trilateral Cooperation with the objective of enhancing the empirical and factual information basis for policy makers and supporting them in addressing public health needs in relation to IP and trade. This commitment – reaffirmed by the Directors General of WHO, WIPO and WTO at a meeting in June 2021 - has never been more relevant as we seek to bring the full extent of WIPO expertise and resources to address the COVID-19 pandemic. To bring life to this commitment in the context of the Trilateral Cooperation WIPO has focused on technical assistance, capacity-building, information gathering and dissemination with a view to strengthening capacity and to enhancing understanding of IP as an enabler to overcome the COVID-19 pandemic and to support post-pandemic recovery.

On technical assistance, at their meeting in June 2021, the Directors General agreed to implement a joint platform for trilateral technical assistance to members' needs for COVID-19 medical technologies. The [Trilateral Technical Assistance Platform](#) was launched in April 2022. It is available in Arabic, Chinese, English, French, Russian and Spanish. The platform is blind hosted by WIPO and the organizations have agreed on a new trilateral domain (<https://www.who-wipo-wto-trilateral.org/>). The platform has potential to be further developed into a comprehensive trilateral information resource beyond COVID-19 related technical assistance.

The [Directors General also agreed](#) to organize practical capacity-building workshops at the technical level to enhance the flow of updated information on current developments in the COVID-19 pandemic and responses to achieve equitable access to COVID-19 health technologies. The aim of these workshops is to strengthen the capacity of policymakers and experts in member governments to address the pandemic accordingly.

In September 2021, WIPO hosted the first in the series of trilateral workshops. [The workshop focused on technology transfer](#) with the goal of conveying information to enhance knowledge and understanding of how IP, know-how and technology transfer work in practice *vis-à-vis* medical technologies as well as related products and services.

The second workshop (hosted by WTO) took place in February 2022 and [showcased Information Resources for the Pandemic Response](#). The workshop aimed to enhance understanding of the characteristics, potential uses and limitations of select information sources. A range of experts discussed information resources covering the following types of data: epidemiological and other health-related issues; clinical trials; technological developments; intellectual property rights; and manufacturing and distribution of and access to technologies, as well as vaccination, diagnostics and treatment rates and cross-border flows of technology. An [Inventory of COVID-19 information resources](#), compiled by the WTO Secretariat for this

workshop, provides a non-exhaustive list of COVID-19 information resources managed by a variety of stakeholders.

A third workshop (to be hosted by WHO) is planned for autumn 2022 to address the topic of diagnostics.

The [Directors General met again in February 2022](#) to review Trilateral Cooperation progress and welcomed the ongoing efforts by their three organizations to make up-to-date information available, including the series of joint COVID-19 information notes, supplementing and updating the 2020 joint publication *Promoting Access to Medical Technologies and Innovation* to highlight the areas relevant to COVID-19 policy responses. The Directors-General concluded their meeting in a spirit of solidarity and practical determination to spare no effort to address the continuing scourge of the pandemic, and to mobilize the necessary knowledge resources and support so that no country would be left behind.

With this in mind, the ninth technical symposium organized by WHO, WIPO, and WTO on global issues at the intersection of health, trade and IP will take place on December 15th, 2022, hosted by WIPO in a hybrid format. It will be opened by the three Directors General and will examine key challenges of the COVID-19 Pandemic experienced within the health, trade, and IP frameworks. Speakers and panelists will discuss how health, trade, and IP tools can support recovery from the pandemic and build resilience to be better prepared for future health crises.

The Symposium is open to Geneva-based delegations to WHO, WIPO, and WTO as well as representatives of international and philanthropic organizations, experts on IP and trade, and civil society organizations.

In addition, WIPO's Program of Work and Budget 2022/23¹ has approved a number of COVID-19 recovery activities during the 2022/23 biennium, which form part of a WIPO COVID-19 Response Package, spanning all of WIPO's strategic pillars and building on a strong foundation of working with member states on issues at the intersection of health, IP, and development.

WIPO's COVID-19 Response Package aims to help member states deal with the pandemic, as well as leverage IP to support creativity, innovation and the entrepreneurship needed for job creation, investment, enterprise growth and socio-economic development. The Response Package is tailored to meet the individual needs of member states and will adapt as the pandemic evolves. WIPO will engage in a continuous dialogue with member states, and is open to their requests for targeted and customized support with respect to national priorities and challenges. WIPO will also look beyond the immediate crisis, supporting preparations to combat future pandemics.

In this context, the WIPO Global Challenges Division commissioned a study on *The Determinants of COVID-19 Vaccine Development Success* and presented that study in a Virtual Workshop held on May 5, 2022.² The study found that development progress for COVID-19 vaccines was predicated on decades of research characterizing SARS-related viruses, existing

¹ WIPO Program of Work & Budget 2022/23, available at <https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget-2022-2023.pdf>.

² *The Determinants of COVID-19 Vaccine Development Success*, by Rena Conti, with comments from Shanelle Hall and Axel Metzger, available at https://www.wipo.int/meetings/en/details.jsp?meeting_id=70508.

scientific tools, development collaborations worldwide and across governments, multilateral agencies and private firms. Many of these collaborations were multi-party. They included, but were not limited to, knowledge that was intellectual property protected by one or more parties. The study found that private firms were willing to invest in COVID-19 vaccine development. This was especially important given the daunting scientific and manufacturing challenges and the significant risks and uncertainty they faced. The diversity of vaccine candidates in development was highly unusual and suggested both a willingness of innovators to think creatively and a willingness of funders to fund across vaccine platforms. This had important implications for the success of COVID-19 vaccines. The study also stated that the funding committed to support vaccine development by both private firms and public funders was significant in magnitude and unusual in its support for manufacturing at risk. This also presented some challenges for future planning, including how best to keep manufacturing running without suffering quality deficits; how best to democratize access to manufacturing technology and allow capacity to meet local demands; and how best to fund sustained manufacturing capacity to meet the next emergent epidemic or pandemic.

Again we are grateful for the opportunity to address the 34th session of the SCP. We remain open to hearing more from Member States about their experiences in managing IP to address the COVID-19 pandemic and to ensure the work of the Trilateral Co-operation can be targeted, meaningful and have real-world impact as we continue to learn from the COVID-19 pandemic.