

WHO intervention at WIPO 34th SCP

Chair and Member States of the WIPO SCP, the World Health Organization (WHO) would like to thank you for inviting us today to brief you on the status of the joint Trilateral collaboration with WIPO and WTO on the interfaces between public health, innovation, intellectual property and trade.

My previous colleagues mentioned the activities undertaken under the framework of our Trilateral Collaboration. WHO would like to reiterate its commitment to continue working together with WIPO, WTO, **and** other UN Agencies, **and** all Member States, **and** other key stakeholders, because **all of us have the responsibility** to address the challenges of bringing the best possible health technologies to all in need, in a timely, affordable and equitable manner.

WHO Member States indicated even before the pandemic, in the so called WHA Transparency Resolution, that they are “Seriously concerned about high prices for some health products, and the inequitable access within and among Member States as well as the financial hardships associated with high prices which impede progress towards achieving Universal Health Coverage”. Now, more than ever, we need to ensure coherence in our response to address public health concerns. Despite our distinct mandates, we need to find complementarities and aim to achieve global Sustainable Development Goals, in particular the Health target “To ensure health for all”. We are learning from this pandemic... how Health has a direct impact on all the other development dimensions — economic, social and environmental — of sustainable development.

As you know, since the beginning of the Trilateral Collaboration, already in the first version of the Trilateral Study we focused on relevant developments relating to access to medicines and other health technologies such as vaccines, medical devices, diagnostics, due to their importance for achieving public health outcomes. We have also included relevant information in the Trilateral Insert on COVID-19, in all these areas because we need a comprehensive approach to deal with the health access and innovation challenges. Not only vaccines are important, the “test and treat” strategy is vital for the response. We are facing challenges to access to affordable diagnostics in many countries. For medicines we have few voluntary licenses from key technology holders to scale up manufacturing and respond to the needs at Global level, unfortunately, the scope of the licenses is not sufficient, it excludes many territories, so WHO is calling the technology holders to expand the scope of these licenses to facilitate the response.

These interfaces between public health, intellectual property and trade have been at the center of international negotiations and policy debates in our three organizations for more than 2 decades. The UN 2030 Agenda for Sustainable Development calls for cooperation to support development targets and emphasizes the importance of R&D and access to medicines in accordance with the Doha Declaration.

The use to the full of the TRIPS flexibilities and the Doha Declaration has been taken up in a series of al WHA resolutions, including the Global Strategy and the Plan of Action on Public Health, Innovation and Intellectual Property (GSPOA) that was recently extended by Member States until 2030. Including the COVID-19 response resolutions and the recent WHA resolution on strengthening local production of medicines and other health technologies to improve access.

A number of UN high-level meetings have called for cooperation and policy coherence to tackle urgent health issues and mentioned the role of the TRIPS flexibilities and the Doha Declaration, to facilitate access to HIV treatments, Hepatitis C, Tuberculosis, Non-Communicable Diseases.

We know how essential innovation is, but at the same time we need to ensure that these technologies go to people around the world, in particular to developing countries.

There is a long way to go on IP and public health, since 2006 the Commission on Intellectual Property Rights, Innovation and Public Health report to WHO Member States, was aiming to promote new thinking on innovation and access to medicines and to secure an enhanced and sustainable basis for needs-driven research and development to diseases that disproportionately affect developing countries.

Then came the long negotiations of the Intergovernmental Working Group to end up with the Global Strategy approval. Today we can say again that the key elements are still essential for pandemic responses: to **transfer of technology; application and management of IP in a manner that maximizes public health; prioritization and promotion of health-driven R&D.**

Finally, as you probably know, all these elements are at the core of the negotiations of **the pandemic preparedness and response international agreement** taking place in WHO.