

# WAIVER OF THE WTO'S INTELLECTUAL PROPERTY RULES (TRIPS): AN INDISPENSABLE TOOL TO FIGHT THE COVID-19 PANDEMIC.



This is part of a Global Trade Watch series on the TRIPS Waiver.

## Don't Buy Pharma's Latest Distraction: A Temporary WTO IP Waiver for COVID Meds Would Not Hand "U.S. mRNA Technology" to China

### BioNTech *Already* Licensed a Chinese Firm to Make the "Pfizer" mRNA Vaccine and Chinese Firms Have Developed Their Own mRNA Shots

New COVID-19 variants are emerging everywhere. An outbreak anywhere could hatch a vaccine-resistant or more deadly or infectious strain that spreads worldwide. Global vaccination to build global herd immunity is the only way to end the pandemic and ensure anyone is safe. But, under current production trends, with a few firms controlling if and how much vaccine is made, many people in developing countries will not have access [until 2024](#). More than 100 nations believe an emergency COVID-19 waiver of certain World Trade Organization (WTO) intellectual property (IP) rules that give monopoly control over medicine production to a few pharmaceutical firms is necessary, so people worldwide get access to COVID-19 vaccines and treatments ASAP.

Support for the waiver is growing. So, [more than 100 Big Pharma lobbyists](#) have descended on D.C. to pressure Congress and the administration to oppose it. That vaccine firms are blocking expanded vaccine production is not a winning story. So, [Big Pharma is trying to change the subject](#). The latest absurd claim: A COVID-19 IP waiver would help China access "U.S. mRNA technology" to create medical innovations. Putting aside the shocking immorality of opposing development of more vaccines and therapeutics for cancer and heart disease, the claim is absurd. **Messenger RNA (mRNA) research has been underway collaboratively in numerous countries for decades. It is not a "U.S. technology."** A Hungarian scientist launched the work in the 1970s. Turkish migrants heading the German firm BioNTech developed the mRNA innovations used in the "Pfizer" vaccine. Plus...

- **mRNA vaccines are already being developed in China.** Chinese entities already have developed at least two mRNA-platform COVID-19 vaccines. Guangzhou RiboBio's is working on an mRNA vaccine that [can be stored at refrigerator temperature](#). A [120 million dose annual capacity plant](#) is being built to make an mRNA vaccine developed by Walvax Biotechnology, Suzhou Abogen Biosciences and the Academy of Military Science, which is in phase 3 trials, [according to the World Health Organization \(WHO\)](#).
- **BioNTech already contracted with Chinese firm Fosun to make the Pfizer-BioNTech vaccine.** Pharma's story is premised on the notion that a waiver of WTO "Trade Related Aspects of Intellectual Property" (TRIPS) rules will grant "China" new access to the technology underlying the Moderna and Pfizer vaccines. Except that the technology behind the vaccines produced by Pfizer is owned by BioNTech, which [already licensed it to a Chinese producer](#). There are real China IP theft issues. The WTO IP waiver is not one of them.

## Messenger RNA Research Has Been Underway Collaboratively in Numerous Countries With Significant Government Funding for Decades, It's Not a "U.S. Technology"

Research on using synthetic messenger RNA, or mRNA, to treat or prevent diseases started in [Hungary in 1978](#) with breakthrough research by Professor Katalin Karikó. Since then, researchers from around the world, including Turkey, Thailand, South Africa, India, Brazil, India, Argentina, Malaysia and Bangladesh, have been working on mRNA-based health technologies. While the U.S. firm Moderna has carried out research on this platform for more than a decade, with [substantial support from the U.S. government](#), others in different parts of the world have also worked on it. BioNTech, a German firm founded by Turkish immigrants and where Prof. Karikó is now senior vice president, worked for years on [mRNA-based treatments for cancer and a potential flu vaccine](#). The [German government](#) supported BioNTech's research. [BioNTech holds all patents and patent applications](#) related to the BNT162 SARS-CoV-2 vaccine, known in the market as the Pfizer-BioNTech vaccine. The bottom line is that the mRNA platform has been developed by scientists from all over the world. And people from around the world should reap its benefits.



## By Hollering "CHINA!!!" Pharma Hopes to Distract from Focus on Its Monopoly Control and the Shortages It Is Causing

The vaccine makers stand to [make a lot of money](#) whether or not there is a waiver. Pfizer and Moderna projected COVID-19 vaccine revenue of \$[15 billion](#) and \$[18.4 billion](#) respectively in 2021 alone. A WTO waiver would not undermine those earning but could boost them. **A WTO waiver would NOT free governments and firms from paying royalties or providing other compensation under national laws**, as the [WTO's own explanation](#) of its 2001 HIV-AIDS IP flexibilities decision underscores. Payments for compulsorily licensed technology [usually are based](#) on costs and a [percentage of profit](#). Pharma's real concern is losing its current monopoly control of production and thus the prospect of competitors in what it sees as lucrative future sales of COVID-19 boosters in wealthy countries. Yet absent more production in more locations, there simply won't be sufficient capacity to make enough vaccines and other COVID-19 medicines needed to end the pandemic.

## Real Geopolitical Threat for U.S. Is in Blocking 100+ Countries' WTO Initiative While China and Russia Share Vaccine Technology Worldwide

Russia's Sputnik-5 vaccine and the Chinese Sinovac and Sinopharm vaccines have become the go-to options for countries in the developing world. The Chinese and Russian companies, probably compelled by their governments who seek to leverage the vaccines for geopolitical gain, have engaged in [significant tech and know-how transfer](#) and partnerships with firms all over the world. Meanwhile, the U.S. and EU have pre-ordered vaccines for their populations while blocking the vast majority of WTO countries' efforts to even negotiate the text of a waiver these countries consider necessary for their populations to also obtain vaccines.