

# TOO LITTLE, TOO LATE: THE HINDU EDITORIAL ON COVID-19 VACCINES AND PATENT RIGHTS

Relevant for: Science & Technology | Topic: Biotechnology, Genetics & Health related developments

In 2020, a key question that the pandemic posed was whether nations would act in solidarity and prioritise equity for the larger good over narrow self-interest. The experience in 2021 was that rich countries overwhelmingly chose self-interest — with several deciding to first inoculate their populations multiple times over rather than ensure poorer nations have at least a first round. It was amid this turmoil that India and South Africa had proposed at the WTO that all patent rights for COVID-19 vaccines, drugs and diagnostics be temporarily suspended to ensure smooth manufacture and distribution. While not surprising, given the history of wrangling over IP rights at the WTO, much of Europe and the U.S. were against any such reprieve, arguing that patent rights ensured better product quality and how many countries lacked the know-how and facilities; over 100 countries, including the U.S., support such a waiver now. The EU appears to be signalling truce, [proposing that intellectual property rights held by international pharma companies on COVID-19 vaccines be relaxed for up to five years](#). This reprieve will however not apply to COVID-drugs and diagnostic devices. The waiver also allows pharma companies in developing countries to make and, further down, export vaccines without explicit permission from the patent holders, says a version of the negotiating text.

While on the surface it signals equity, the proposal does not go far. Along with western European nations and the U.S., several Indian companies are now makers of COVID-19 vaccines that feed domestic needs and are available for export. They have achieved this through technology licensing arrangements with the U.S. and elsewhere. International facilities such as COVAX are now dealing with a problem of surplus vaccines and India too has begun expanding the drive to vaccinate younger populations. Therefore, vaccines, really, are not the challenge they were two years ago. A waiver of IP rights means little unless companies also share their 'trade secrets', and nothing in the current agreement hints at whether such sharing will be facilitated. Several countries, including India, already have 'compulsory licensing' arrangements wherein the government can revoke existing patents to enable drug manufacturing. Newer vaccine and drug manufacturing platforms have risen, bringing in their own complexities, and drug manufacturing companies have opted to enter into international collaborations rather than use forums such as the WTO to fight inequity. The Indian government must be more vocal about facilitating access to drugs and diagnostics and continue to champion the cause of developing countries. It must also strongly oppose moves to hinder the flow of ingredients necessary to manufacture them.

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