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Vaccine Patent Waiver: A Step towards a Covid Free Equal World

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ABSTRACT

This paper outlines and compares the various issues that are associated with vaccine patent waivers. It focuses on how to increase equitable access to COVID-19 vaccines. It specifically considers the view of different sections like impact on tourism, equity, supply chain management, equal access, and Indian philosophy. We argue that while various sectors have got adverse impacts due to a shortage of vaccines and in some cases, people got fully vaccinated due to hoarding related to the vaccine.

The report proposes current and proposed mechanisms which can be highly complementary if used together to make equal access possible for all. There are certain challenges in terms of IPR and legal processes which should be addressed. The flexibility under laws can be used for the betterment of people by following proper procedures. The companies should be empowered to maximize the production and make the vaccination so that everyone gets access to it.

Keywords: Vaccine, Patent Waiver, Global, Equal world, COVID 19

I. INTRODUCTION

The corona crisis prevailing in countries around the globe is the greatest challenge most have faced since the Second World War. The virus constitutes a truly global threat. The widespread impact of the Covid-19 pandemic has been devastating. Covid-19 also brought an opportunity to create a more equal world (<https://www.hindustantimes.com/analysis/covid-19-an-opportunity-to-create-a-more-equal-world/story-kEEZeFa16MQgtAIxTZgE6L.html>). A ray of hope emerged with the invention of vaccines. If we are going to bring an end to this pandemic, the most urgent need is to vaccinate maximum people globally. In the western world vaccination programs are going strong and life is returning to normal. But in some countries, the situation is wreaking new levels of devastation. The second wave has caused catastrophic damage in India.

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There is a huge disparity in access to the vaccine among rich and low-income countries. According to UNICEF data, 86% of all doses given worldwide up to 30 March were administered to those in high- and upper-middle-income countries, while just 1% of it has been given to those in the world's poorest. This act of hoarding of vaccines by western countries when the pandemic is engulfing the economically weaker nations has highlighted the issue of vaccine patents. In this regard, India and South Africa proposed to waive off intellectual property rights on patents of covid vaccine(<https://www.hindustantimes.com/india-news/india-to-see-eu-support-on-vaccine-patent-waiver-101620414542593.html>)

A patent is an exclusive right granted for an invention which is a product or process that provides, in general, a new way of doing something, often a new technical solution to a problem(<https://www.nature.com/articles/d41586-021-00863-w>). These rights are granted to the inventor/s to allow them to exclude all others from making, using, or selling their inventions for a prescribed time limit.

(A) Research Question and Objective

The purpose of this paper is:

- To understand the Patent and related laws
- To explore the possibilities of vaccine patent waiver
- To identify the challenges in vaccine patent waiver
- To understand the impact on various industries
- To identify the contribution of Patent waiver for the vaccine to make it a Covid free equal world

(B) Method

This paper examines the 9 presentations of researchers in the area. Since it is a new subject that is why the primary source of the International webinar is used. In addition to these articles, newspapers, reports are used to the full extent since the nature of the pandemic was changing and guidelines were announced by different countries daily and weekly.

II. DISCUSSION

A Covid free equal world

No one is safe until all are safe. There is a continuous need of developing vaccines for the eligible population by the Indian society. There was continuous anxiety for the existence of

humanity at stake but this is minimized by all the countries at the global level, who came together and decided to fight against corona.

- Prof. B.K. Kuthiala, Chairperson, HSHEC

This IP waiver can have a role in accelerating the end of the pandemic and make the world safe for all. It would also bring compassion and empathy among people.

The Patent and flexibility

There is a need to waive and allow the production of vaccines/ medicines. Regulatory flexibility is restricted under the Trips Agreement.

-Dr. Prabhash Ranjan, Law Faculty, South Asian University, India

India amended the domestic patent law, according to this country can temporarily waive the intellectual property rights for covid vaccines and its products for the duration of the pandemic.

Strategy on Vaccine Patent Waiver

There has to be an idea for the market when you create a patent. It should be marketed effectively from an end-user perspective.

- Dr. Mahadeo Jaiswal - Director, IIM Sambalpur

The vaccines should be accessible to large markets with no patent for consumption. The complementary infrastructure: like doctors, medical equipment, hospital facilities, and other necessities are required to reach masses.

The Waiver

A patent-free regime is not an easy task to execute as there would be resorting to legal implications. In the current scenario, a patent is not granted to any of the vaccines as it involves various legal issues that include patent application, patent grant, and compulsory licensing for the same.

- Mr. Vijay Pal Dalmia, Advocate Delhi High Court & Partner Vaish Associates

But in respect of patents in force; the patent is granted by the government remains valid for a limited period.

Equity through Multiple lenses

The Concept of equity of vaccine through multiple lenses Covid vaccination is applicable globally. He explained 4D's concerning the staging of covid vaccination ie., development of the vaccine, its distribution, policy decision, and delivery program.

- Raj Shankar Ghosh, Senior Advisor, Vaccine Delivery, Bill & Melinda Gates Foundation.

The issue of uneven distribution of vaccines is prevailing in lower-income countries. These countries should strengthen their regulatory capacity and invest in local vaccine manufacturing. There should be one world in terms of providing the vaccine.

Impact of the patent waiver on other sectors

The tourism sector is worst affected during a pandemic.

- Prof. Gul ERKOL BAYRAM, Sinop University, Turkey

The impact of covid -19 on the travel vaccine industry - as the global vaccine market was worth \$5.2 billion in 2019 with a significant projected growth rate. Vaccine inequality also plays a weak role in the recovery of tourism as only 1 % of the 1.3 billion vaccines injected around the world have been administered in Africa. Access to vaccines is also very critical in some parts of the world. Advocating more sustainable tourism with more innovations and a renewed commitment to addressing climate change and crisis management.

Vaccine: Right of everyone.

We have the right to life and therapeutic remedies to save a life should be made accessible for everyone.

- Prof. Bhagwati Prakash- Vice-chancellor, Gautam Buddha University

India has always propagated to make life-saving drugs such as for liver and kidney be made affordable to beneficiaries. While in the rest of the world they are highly overpriced. the monopoly of 20 years for the patent regime for such an essential vaccine should be abolished.

Vaccine Patent Waiver: Equality and Humanity

Prevailing inequality and inequity in every aspect of life and how humanity has taken a backstep in this rat race of earning better. Health organizations should not be controlled by a large economy of power, rather they should focus on improving the life quality of people who are stuck at the bottom of the pyramid.

- Raj Nehru, Vice-chancellor, Shri Vishwakarma Skill University, Haryana

Patents for such life-saving drugs and vaccines should be made free as these organizations are also heavily funded by taxpayers or charitable trusts.

Patent waiver and Globalisation

Covid-19 has reversed the process of Globalization.

- Prof. Justin Paul from the University of Florida, USA

People lost their lives because of the political failure to act on time. Intellectual property rights should not be a priority in such kinds of emergencies. Vaccines are the need of the hour. To achieve globalization every company tried their best to go international and spread their business in new markets. The current situation proved that globalization is an irreversible process. For the world to move forward, vaccines are the key. A patent-free vaccine can balance this debilitating state.

III. CONCLUSION

After understanding the details of patents from a different point of view it is clear that waiver allows vaccine makers across the globe to produce vaccines without facing legal action from the companies that hold rights on the products. Various influential pharma lobbyists are not in favour of it. This critical step will enable the widespread production of vaccines. To maximize the production and vaccination every company capable of producing the vaccine should be empowered to make it. This will be a step towards equitable access to vaccines and life. More than a service to mankind it's a moral imperative.

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