FLASH QUOTE: MSF applauds South Africa for championing health safeguards at meeting of WTO members

**Geneva, 03 August 2020** – As World Trade Organization (WTO) members met on 30 July for a Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council formal session, South Africa took leadership in highlighting that the intellectual property (IP) barriers that stand in the way of access to COVID-19 drugs, tests and vaccines must be urgently overcome, and called on WTO members to explore new bold measures.

The [statement](https://www.keionline.org/33593) delivered on 30 July  follows an intervention made by South Africa last month in an informal session of the TRIPS Council and a paper submitted by the country earlier this month entitled ‘[Intellectual Property and the Public Interest: Beyond access to medicines and medical technologies towards a more holistic approach to TRIPS flexibilities](https://www.keionline.org/wp-content/uploads/W666.pdf)’.

In the submission and the statement, South Africa expressed the critical need for WTO members to overcome IP barriers; the concrete examples of IP barriers facing COVID-19 vaccine development; the difficulties countries face using the full range of health safeguards enshrined in international trade and IP rules; the limitations of relying on voluntary mechanisms to address IP barriers; and the need to address trade secrets that stand in the way of technology transfer. In the [statement](https://www.keionline.org/33593), South Africa called for the consideration of ‘new bold measures’ to address IP barriers, including binding commitments to ensure open sharing and global non-exclusive rights to use know-how, data and technologies, and legislative measures to restrict patent evergreening.

An effective response to the COVID-19 pandemic requires that all COVID-19 medical tools, including treatments, vaccines and tests, are affordable, available and accessible to everyone and allocated based on public health need, but past experience has shown that IP barriers severely hamper the development of and access to medical tools, especially in low- and middle-income countries. While the 73rd World Health Assembly ‘COVID-19 response’ [resolution](https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_CONF1Rev1-en.pdf) recommends countries use the health safeguards enshrined under the TRIPS Agreement to facilitate equitable access, there has not been, until this point, any formal discussion about their use or limitations at WTO.

**Flash quote by Yuanqiong Hu, Senior Legal and Policy Advisor, MSF Access Campaign:**

“We are excited to see South Africa stand strong in the interest of public health today in front of WTO members, highlighting the importance of health safeguards to ensure access to COVID-19 drugs, tests and vaccines, and the limitations of the current international mechanism to overcome barriers to access.

MSF has seen time and time again how IP barriers leave lifesaving [medicines](https://www.msf.org/hepatitis-c), essential diagnostics and new vaccines out of the hands of the most vulnerable people in developing countries. For example, past experience with the pneumococcal vaccine and human papillomavirus vaccine has shown that intellectual property can affect every step of vaccine development, and monopolies can hinder timely introduction of affordable vaccines in developing countries. We cannot risk repeating the same mistakes in the face of this global pandemic.

Since the start of the COVID-19 outbreak, we’ve seen several concerning examples of pharmaceutical corporations seeking monopoly power through patents. For example, the voluntary licenses recently signed in secret by Gilead for the investigational drug remdesivir that was approved for emergency use in treating COVID-19 inexcusably exclude nearly half of the world’s population. These actions provide scant assurance that pharma can be trusted to act in the public interest and illustrate how we cannot rely on the voluntary actions of companies in this pandemic.

During the height of the HIV/AIDS epidemic, WTO members adopted the Doha Declaration on the TRIPS Agreement and Public Health in 2001 to empower health ministries to address barriers to access to lifesaving drugs. MSF hopes that WTO members recognise the gravity of the challenges faced by countries today and show solidarity once again during this pandemic and support the demand raised by South Africa  to pursue a comprehensive and expeditious  approach to removing intellectual property barriers, and that all governments take urgent actions to knock down these IP barriers that stand in the way of people’s access, including suspending and overriding patents and other exclusivities.”