South Africa and India's Leadership on the Waiver of IP Protections on COVID-19 Vaccines

By:

James Thuo Gathii
Amaka Vanni
Titilayo Adebola

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On May 5th, 2021, following public enormous pressure, the United States decided to support the waiver of IP protections on COVID-19 vaccines to help end the pandemic. With the United States blocking of the proposal now out of the way, at least for now, negotiations will now begin.

The proposal to waive IP protections on COVID-19 vaccines was originally proposed by South Africa. For more on the additional co-sponsors who joined South Africa and India, see here.

In recognition of South Africa's and India's leadership in proposing the waiver, Afronomicslaw.org shares with its readers the following documents that these two countries that started this journey:

1. Request to the TRIPS Council for Waiver from Certain Provisions of the TRIPS Agreement For the Prevention, Containment and Treatment of COVID-19
2. Annex Accompanying the Request: General Council Draft Decision Version 05 July 2020 (of the Waiver of IP Protections on COVID-19 Vaccines)
3. Operationalizing Technology Transfer in the Context of Articles 7, 8, 40, and 66.2 of the TRIPS Agreement, Communication from South Africa, 17th July 2020 (IP/C/W/665)
4. South Africa's Statement at the TRIPS Council Meeting of 30th July 2020
5. An August 11 2020, Third World Network Newsletter reporting that on 30th July 2020, South Africa and India made a proposal to mainstream the discussion on the impact of intellectual property provisions can have on development, particularly centered around TRIPS provisions. In the discussions on the proposal, South Africa raised questions about how exceptions and limitations, including compulsory licenses in the IP system, can be used as tools to ensure the patent system contributes to transfer of technology, meeting the objectives of the system and responding to the public interest at large.

While the TRIPS Waiver – and recent US support for it— is a step in the right direction, global efforts to encourage technological transfer, knowledge-sharing and financial assistance is imperative to boost global manufacturing capacity. These efforts would facilitate a speedy scale up of global manufacturing capacity and ensure we beat this global pandemic.

In the coming days and weeks Afronomicslaw.org will share reflections on the negotiations as they unfold.

View online: South Africa and India's Leadership on the Waiver of IP Protections on COVID-19 Vaccines

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