

Waiver of patent rights on Covid-19 vaccines, in near term, may be more symbolic than substantive

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Abstract

Actually IP waiver was initiated with a proposal by India and South Africa at WTO at last year October 8.It was for a waiver on all covid-19 invention including testing as well as diagnostics under the conditions of trips agreement. Now it will take to remove intellectual property rights for vaccines should result in universal response to the current pandemic situation and way to tackle coming new variants of covid-19.Patent waiver on vaccines may create a barrier to share information for others for production of vaccines.

Keywords : COVID-19, Corona virus Pandemic, patent waiver

Period of study:

The study was made towards the end of June 2021.

Introduction :

With start of some part of brief introduction we are already too long in overnight story how has it affected examination

methodologies terms and deadlines extraordinary extensions and revivals fastbacks.

How different it is from the previous pandemics in the patent sense what specific problems does it race now we will discuss in

this article.First of all brief history of pandemics definitions of vaccine and vaccine types as a subject matter of inventions in pandemic and types of pandemics.

What are the vaccines?

To know formation as well as formulations of Russian covid-19 vaccines; Russian PT FastTrack pattern examination of vaccines

and other vaccines invented in respective countries. Now we see;

What are the basics of vaccine?. Otherwise the vaccine basics on injection of antigen that provides long-term protection and D cells are generated; response upon subsequent encounters with the antigen requirements .

1. protection of antibodies it should be; and protection not simply.
2. antibody generation for long-term protection low-cost and stability.

Vaccine types attenuated virus that means replication competent inactivated virus that is replication. Incompetent subunit vaccine means specific components that is proteins from virus except back to back scene it is going to be a cloning of an antigen into a virus will be DNA or RNA vaccine it includes production of protein in Vivo. In search the main questions are pandemics are reflected in patenting activities for vaccines continuously to new vaccine developments appear.

The statistics on vaccines patenting includes implementing pattern statistics. Does vaccine patenting look occasional study.

Does it show that a growth specific features does it have.

Can we change or alter them?

Patentable subject matter because of its antigen; it maybe protein genetic construct virus with light particle are main patentable vaccine itself composition formulation .Sec 17 comprising the antigen or it may be medical uses such as method of treatment or nucleic acids vectors host cells method of producing the antigen etc.

Again if you want to search with the help of research strategy more questions are developed. Whether and how pandemics are reflected in patenting activities for vaccines where new vaccine developments will appear. Now if you want explain coronavirus from subfamily of Corona variant family. Which envelope RNA viruses particles have spikes made up of S- glycoprotein. It may cause respiratory infections in mammals as well as in words generations of coronavirus are in now alpha, beta, gamma ,delta variants.

There are several acute respiratory syndrome coronavirus 2 (SARS-CoV-2)- it is causative agent of covid-19 virus shows a great similarity with SARS-CoV covid-19 and bat SARS-like coronaviruses.

The first known case of such infection was identified in China in December 2019. The WHO declared a global pandemic on 11th March 2020. The most common symptoms are fever cough and shortness of breath additional symptoms include weakness, headache, nausea ,changes to taste and smell. Covid-19 is highly transmissible viral infection SARS-CoV-2. It has structural differences from previously known for corona viruses. It was primarily occurs via respiratory droplets from face-to-face contact besides it can be via contaminated surfaces. Can be spread by symptomatic and pre-symptomatic carriers. Lack of Pre existing human SARS-CoV-2 immunity and specific antiviral medicaments.

Is pandemic broaden access to vaccine patent?

Answer is a big Yes.

1. Reasonable licensing opportunities with compulsory licensing on exceptional basis have increased.
2. Availability of scientific information in firm if significant data.

3. Availability of technical specifications for key important equipment's.

4. Access to all known research materials.

5. Access to virus strains.

Publicly available easy accessible educational materials.

It again that means covid-19 story tends to add to this list-

Do we need a technology by limiting patent rights for it?

If we look at statements made by eminent personalities Dr. Francis Gurry ex director General off WIPO some considerations on intellectual property innovation access and covid-19 it may be noted that it is not a barrier to access to vital

medical preventive measures such as vaccines or to the treatments for years.

“An effective strategy or approach to encroach right incentive are in place to encourage the major funders and performers to deliver results IP is a central part of those procured incentives.”

Between 1972 and 2005 India has adopted process patenting rather than product patenting,

And build up huge generic industries; If western companies are interested in contract with Indian companies for production of their vaccine in India then ,Can they say you as you do not have the quality to produce on your own added by Dr.Reddy.Then ask for waiver on implementation application and enforcement of four sections section 1 ,Section 4,section 5,section 6 and section 7 for turning to copyright and related rights, industrial designs patterns and the protection of secret trade information.

Reasons and facts as actual IP waiver can not be determined at this point of stage.The proposal had said that developing countries especially message institutional and legal difficulties when using flexibility is available in trips agreement aspirate Android is exclusive, Monopoly granted by the government to an inventor for a limited pre-specified time a process pattern enables any person other than the patent holder to manufacture certain processes in the manufacturing exercise.

1. One of the biggest concerns about IP waiver is that they provide a shortcut to competitors looking to acquire an expensive Technologies; please also say that such production really feel not be accelerated because many times materials are in short supply and it can take many years to build up capacity from the scratch.

2. IMO ever when the government opposing the waiver argue that current WTO allowed countries to apply for compulsory licensing store override IP during the emergencies.

3. Many times the foremost problem is that the vaccine manufacturing research and development is too heavy concentrated in a small group of high as well as middle income countries when we see. Countries which are also the main patent holders have sold the majority of available vaccine doses to their own governments in fact and to the governments of high income nations.

4. When we think at the Global Health summit in Rome last month World Health assembly in Geneva Switzerland European Nations from east to share more vaccine doses with low and middle-income countries. European Commission president is also proposing to clarify and simplify the existing ways in which the countries can implement compulsory licensing.

5. The international Federation of Pharmaceutical manufacturers and associations that is FDA has pointed to the real challenges in scaling a production and distribution of covid-19 vaccine these include trade barriers; water lakes in supply chains calculate scarcity of raw materials as well as ingredients in supply chain and the unwillingness of rich countries to share those with the poorer Nations.

If we talk about the **raw materials** it is for example that US had blocked source of critical raw materials used in the production of some covid-19 vaccine using regulations rights under the American Defence production Act .As suppliers have been relied on the specific supplier so it may become the scarcity of raw materials making available in the patent right at risk; Country which is a source of such raw materials may have lien on such materials that they also have to improve as well as use those in their own doses manufacturing.

And if there is a proper process as well as a technology sharing full manufacturing as well as quality control of the main outcome setup will get disturbed.

I want to add here that till 2000 to be very light on foreign pharmacopeia and in search of development of drugs it was a course of uniformity in process. As we see it is very much true that the governments including the US and others have specifically subsidize or they have taken it in another ways to research and development activities of private pharmaceutical companies that how was the patent for major covid-19 vaccine. Yet these governments required the ingenuity of private Enterprise to invest in vaccine. If it is not so they could just as easily have committed resources to government to invent this vaccines instead they choose to invest public resources in private Enterprises, as other type of public private partnership that is a common in basic Research and not unique to the development of covid vaccines.

While it may be awesome appealing to WTO waiver on the intellectual property protection is an appropriate priority from

the heavy lifting needed to create the capacity to fight the wave of covid-19 which is at stake. According to new research as well as the genome databases such as new strain there are now more than **1000 known variants** of this virus. And up to now the variants of concern have been named after the places where they were first discovered. Based on their naming letters affects the UK, South Africa, Brazil and Indian variants will be given letters alpha ,beta ,gamma and Delta respectively. One might think that those numbers are still relatively low but the new variants in Asia and elsewhere should be of concern to everyone where ever they live. And the vaccine study to diminished the stains of the particular vaccines;

If the technology is transferred there any chances of technology hacking ,cyber attack, terrorism ..likewise also there may be the major concerns of duplication also terror financing network.

The protection of intellectual property is a source of innovation and must remain on in the in future as I think being researcher as well as intellectual property rights student. The limiting factor in the production of vaccines are production capacities and the light quality standard not the patents waiver. Means intellectual properties for the covid-19 vaccine are shared to all. But then it won't immediate to solve Production and Manufacturing capabilities. Note for all raw materials can not be made available and also not are many well and known to how to manufacture certain part of the process.

Think of that like certain equipment process technique not so easily available. If somehow you get the technology but there are the certain bottlenecks of the process are not known as industry secrets kept undisclosed to others. Against the backdrop of India China border standoff member of the Brazil ,Russia ,India

,China, South Africa group in Rio form the importance of the territorial integrity and sovereignty of states and the need to solve the problems through peaceful means.

Virtual meetings of foreign ministers at BRICS States which was shared by external affairs minister Jay Bhaskar also resolved to combat all forms of terrorism including cross- border movement of terrorist ,error financing networks .The briefs argued on the stand alone join statement as threatening and reforming the multilateral system six principles that should guide such reforms.

Possible adverse effect of patent waiver-

Vaccine patent waiver will be a huge opportunity for China and Russia to start vaccine diplomacy instead of where were the US and other countries should negotiate with the pharmaceutical companies to help them to future scale-up in exchange for lower prices.

Are the biotic and others still needs fund to continue develop

new covid-19 vaccine specially for mutation virus.Patents are the most important source of information for researchers and businesses to study the results of the latest developments and innovations long before the innovative product first appear in the market ;providing the medical community with quick access to such information and sharing data with the other patent offices will help consolidate International efforts to fight viral infections. It will help examination as well as motivation.

Future the innovation makes it possible to speed up the entire production cycle the faster we go from the invention to a product such a drug or antiseptic the sooner our doctors will be able to use them to help people. Covid-19 story tends to add to this list to a need a technology by limiting patent rights for it.

Besides, while France was among the first to support the US call to relax vaccine patents, president Macron like many pharmaceutical companies, insisted that a waiver would not solve the problem of access to vaccines for the timebeing.According to AP, Macron said manufacturers in places like Africa are not now equipped to make COVID-19 vaccines, so donations of shots from wealthier countries should be given priority instead. Some considerations on intellectual property innovation access and covid-19 it may be noted that there does not appear to be any evidence that IP is barrier to medical preventive measures such as vaccines are the treatments or cures.

SOLUTION-

The way by which some middle incorporations can be build here as follows-

- 1.Instead of patent or IP rights waiver, If the prices of the vaccines may be lessen down by funding such Institutions or we can have a chain of interlocutory framers Industries having some set up by compulsory licensing. Government may direct and have command over process as well as a total quality control.
- 2.Export restrictions should be kept at it minimum.We can make inter countries treaties and can limit technology transfer by the way of compulsory licensing. If countries to grant licenses to manufacturers even without the consent of patent holder they would still required to receive a compensation.

CONCLUSION-

An effective strategy or approach to encroach right incentives are in place to encourage the major and performers supposed to deliver results IP is a central part of those incentives are doing innovation must ensure that claim evidence to support and unexpected advantage as well as it is evidence to support a broader claim.Even though the US has agreed, and France and many other countries support it, the decision is up to the

164-member World Trade Organization, which administers complex trade rules among nations; so big battle is to be run for covid-19 waiver that for the time being have less chances to get approval.

And all of them would have to agree for it to happen. Because a single 'No' would lead to a rejection of the proposal in total. So, the decision to waive the vaccine-related patents has to be unanimous. If waivers are approved, vaccine developers would then have to share their know-how for the very complex manufacturing, and many vaccine are under research and development process. So at the end according to researcher it is not possible to waive all patent rights in total.

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