

Addendum: Actions Governments Can Take Now to Help Save Lives and End the Pandemic

Public health, human rights, faith, labor, consumer, trade justice, community and other civil society organizations across the globe have recommended governments take the following actions:

- (1) Pledge not to use WTO dispute resolution mechanisms, other international trade and investment agreements or any other means in an attempt to stop or dissuade countries from producing, distributing, purchasing, or using medical goods produced by alternative producers or from sharing information on how to do so outside of the WTO's IP rules;
- (2) Adopt a national security declaration under Article 73 of the TRIPS Agreement and pursuant to national laws to suspend the enforcement of all forms of IP protections on COVID-19-related medical technologies and materials;
- (3) Publish technical information on how to produce the NIH/Moderna, Pfizer/BioNTech and other COVID vaccines, as well as all available data on their safety and efficacy, without waiting for the permission of the so-called IP holders to do so, and offer rewards for access to such information when it is not available;
- (4) Adopt rules that incentivize full technology transfer or otherwise allow for mandatory access to trade secrets, confidential information, commercial manufacturing know-how and quality assurance protocols and biologic resources needed to allow alternative producers to make needed medical technology;
- (5) Adopt and use exceptions to test data protection and regulatory data marketing exclusivity, if needed, on COVID-19 medical technologies. Issue compulsory licenses for manufacture, distribution (including export and import) and use, sale and purchase of COVID-19 new generation vaccines, medicines (including Paxlovid and other COVID therapeutics) and diagnostics necessary to implement effective test-and-treat programs;
- (6) Cooperate with other countries in the establishment and use of a compulsory licensing facility to enable coordinated issuance of compulsory and government-use licenses and suspension of non-patent IP on key COVID-19 medical technologies and adopt and make full use of patent opposition procedures;
- (7) Help fund the creation of open-source, next-generation COVID vaccines by making grants to and placing orders with the World Health Organization's mRNA COVID-19 Vaccine Technology Transfer Hub in South Africa and help facilitate the creation of other mRNA production facilities throughout the world, while always including contractual requirements that technologies developed by one hub and shared freely with others and that funding for these hubs does not have IP strings attached;
- (8) Require government research and development grants and other funding to require open-access licensing, technology transfer and equitable distribution requirements and post-trial benefit sharing;
- (9) Require transparency in medical technology, research and development costs, clinical trial costs, cost of manufacturing, pricing, background IP, trial protocols and supply and pricing agreements;
- (10) Invest in equitable vaccine, diagnostic and therapeutic procurement and distribution programs, including prioritization of procurement from domestic and regional sources where possible.