
IN9; Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response – 2024. WHO

INTERVENTION OF NGO INNOVARTE IN THE 9TH SESSION OF THE INTERGOVERNMENTAL NEGOTIATING BODY (INB session 9)

Email: info@innovarte.cl

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Preamble

- The language in the preamble on IP is misleading by signalling that IP is not a barrier. It should also recognize the importance of public financing alongside IP. It also only mentions concerns about the effect of IP rights on prices but should also mention the availability of products and technology transfer.

Article 11

- Regarding article 11: we welcome the call to respect TRIPS flexibilities in paragraph 4. This could be improved by removing 'as necessary and appropriate' in paragraph 5.
- It still lacks a provision to compel entities to share access to undisclosed information, including know-how and trade secrets, which are essential for the effective manufacturing of complex pharmaceutical products such as mRNA vaccines.
- We recommend including an exemption to article 31F of TRIPS during a pandemic so that developing countries with no production capacity can use TRIPS flexibilities.
- We support the proposal of KEI to consider an opt-in system for sharing the rights obtained through publicly funded R&D contracts or government procurement.
- Paragraph 5 still lacks a clarification regarding the need for government use. We reiterate the need to clarify this by referring to the relevant TRIPS provisions mentioned in our last statement.
- We also suggest an additional paragraph: "Parties shall establish a WHO Access to Technology in Health Crises Fund to replace the C-TAP"