

WHO, WIPO, WTO Workshop
on Innovation in, and Access to, COVID-19 Technologies
Intellectual property licensing, technology transfer, and
sharing of know-how and clinical trial information
September 27, 2021, 13h00 to 16h00, Online Format
Concept Note

The COVID-19 pandemic and its social and economic consequences underline the importance of universal health coverage and the need to achieve global equitable access to health technologies that are vital to prevent, diagnose and treat the disease. The pandemic will not end until COVID-19 is under control in all countries. No single nation can cope with the challenges on its own. Collaboration based on Intellectual Property (IP) licensing, technology transfer, and the sharing of know-how and clinical trial information is vital for innovation and manufacturing. Governments require support in dealing with IP, regulatory processes, manufacturing and otherwise procuring medicines, promoting local production and capacity building, and distribution and use of health technologies. Affordable and sustainable access to health technology and know-how, as well as capacity building and technical assistance to receive and use such technology and know-how, are essential elements of policies aiming to ensure an effective global COVID-19 response.

In October 2020, the Secretariat of the World Trade Organization (WTO), in cooperation with the Secretariats of the World Health Organization (WHO) and the World Intellectual Property Organization (WIPO), organized a technical assistance workshop to support WTO members and observers in building their capacity to assess and review, as appropriate, their domestic health systems, IP regimes (including the established public health safeguards) and trade policy settings. The aim was to ensure that these tools could be used effectively and in an integrated way to address the COVID-19 pandemic. In that workshop, WTO members identified priority areas for follow-up capacity-building work involving strengthened trilateral coordination. These areas include:

- Technology transfer and IP licensing
- Supply chain strengthening
- Information from trade, IP and health systems
- Regulatory systems for health technology
- Rational use of health technology
- Implementation of the TRIPS Agreement including use of flexibilities
- Coordination in health policymaking among relevant ministries/government agencies (including at regional level, and inter-ministry/institutional coordination)
- Addressing substandard and falsified (SF) COVID-19 vaccines and treatments

The Directors General of the WHO, WIPO and the WTO agreed, within the existing collaboration framework, to organize practical capacity-building workshops at the technical level to enhance the flow of updated information on current developments in the pandemic and responses to achieve equitable access to COVID-19 health technologies. The aim of these workshops is to strengthen the capacity of policymakers and experts in member governments to address the pandemic accordingly. To that end, participation is open to the members of the respective organizations and WTO accession candidates.

The first in the series of workshops, scheduled for September 27, 2021, will address technology transfer and licensing. It will convey information to enhance knowledge and understanding of how IP, know-how and technology transfer work in practice, not only vis-à-vis medical technologies but also for related products and services. More specifically, the workshop aims to

- strengthen members' capacity to assess and respond to COVID-19 technology needs;
- review terms and conditions that contribute to successful technology licensing, including public health-oriented licensing, as well as pooling of IP and knowledge;
- explore policies that enable successful technology transfer, including management of IP, transparency, access policies, related infrastructure measures, human resources capacity and training programs, and incentives to promote technology transfer;
- provide information about mappings of licensing or technology transfer agreements and global manufacturing capacity to inform policy making;
- share information about how WHO, WIPO and WTO can help their members to develop an enabling eco-system for international technology transfer;
- provide further information regarding technical and legislative assistance that can be provided by WHO, WIPO and WTO;
- provide a forum for the exchange of experiences and views that can help the Secretariats of WHO, WIPO and WTO respond effectively to capacity-building needs of their members and WTO accession candidates.

Background

WHO, WIPO and WTO have, since 2009, stepped up their cooperation and practical coordination on issues relating to public health, IP and trade. This trilateral cooperation is intended to enhance the empirical and factual information basis for policy makers and to support them in addressing public health in relation to IP and trade. It has entailed a series of practical technical assistance activities, at the national, regional and multilateral levels, as well as a series of high-level policy symposia intended to track emerging issues and inform future policy. Resources jointly provided also include the 2nd edition of the WHO-WIPO-WTO publication *Promoting Access to Medical Technologies and Innovation: Intersections between public health, intellectual property and trade*.¹ The study, published in 2020, provides a comprehensive overview of the full array of policy issues with bearing on innovation and access to medical technologies, and includes an overview of COVID-19 related measures that are mapped in a key resource for trilateral cooperation.

In a joint statement of June 15, 2021,² the Directors General of the three agencies agreed to build further on the long-standing commitment to WHO-WIPO-WTO Trilateral Cooperation that aims to support and assist all countries as they seek to assess and implement sustainable and integrated solutions to public health challenges. The organizations will collaborate on the organization of practical, capacity-building workshops to enhance the flow of updated information on current developments in the pandemic and responses to achieve equitable access to COVID-19 health technologies.

¹ <https://www.who.int/publications/i/item/9789240008267>; <https://www.wipo.int/publications/en/details.jsp?id=4511>; and https://www.wto.org/english/res_e/booksp_e/who-wipo-wto-2020_e.pdf.

² Available at: <https://www.who.int/news/item/24-06-2021-directors-general-of-who-wipo-and-the-wto-agree-on-intensified-cooperation-in-support-of-access-to-medical-technologies-worldwide-to-tackle-the-covid-19-pandemic>; https://www.wipo.int/pressroom/en/articles/2021/article_0006.html; and https://www.wto.org/english/news_e/news21_e/igo_23jun21_e.htm.