



IFPMA STATEMENT AT WIPO STANDING COMMITTEE ON THE LAW OF PATENTS
DEC 07 – 10, 2020: AGENDA ITEM 7: PATENTS AND HEALTH

The International Federation of Pharmaceutical Manufactures and Associations (IFPMA) would like to thank you for the opportunity to provide input on the important discussions within the SCP. IFPMA represents the leading research-based biopharmaceutical companies as well as national and regional industry associations across all five continents.

At the outset, we would like to welcome the new Senior Leadership team at WIPO and wish them well for their tenure. We also welcome the statement made by WIPO during World IP Day 2020 in support and importance of the innovation ecosystem.¹

We are grateful to the Secretariat for compiling and summarizing the extensive work on the topic of patents and access to medical products and health technologies, along with the discussion of patents and health, which have enriched the debates in this Committee. In a year that has been dominated by a global pandemic, the discussions on intellectual property and health are timely.

Now than ever before the IP protections afforded to innovators are of the utmost importance and must be respected to ensure that for future pandemics, we are ready. Without a rich IP incentive framework, our industry would not have been able to bring forth the various treatments and vaccines that are being considered.

During these unprecedented times, we have seen all stakeholders, governments and industry alike, come together to address the global pandemic, putting science and safety of patients at the forefront. We share the deep sense of responsibility that Member States have to end this pandemic. We are keenly aware that science and innovation are only part of the equation. As part of our responsibility towards society, we must also ensure equitable global access to safe, high quality, effective, and affordable COVID-19 vaccines and therapeutics. The pharmaceutical industry has shown its openness to new approaches and collaborations to respond to the urgent needs of the pandemic. This, however, should not come at the cost of dilution of intellectual property rights.

IP is and has always been the driving force behind the many innovations. It will help us overcome the pandemic, giving rise to nearly all of the molecules, platforms, and other technologies that have enabled industry to target COVID-19 at an advanced stage, and helping to ensure the resources and conditions needed to see the development of promising treatments through to approval. IP will also continue to play a crucial role long after this pandemic is over, to ensure that the world is prepared with innovative solutions for future global health crises, in addition to other pressing healthcare needs.

¹ Some Considerations on Intellectual Property, Innovation, Access and COVID-19, https://www.wipo.int/about-wipo/en/dg_gurry/news/2020/news_0025.html, “It would be a misreading of the complexity of innovation to focus on one single strategy or solution or to over-simplify the complexity of innovation systems. An effective strategy or approach to encouraging innovation must ensure that the right incentives are in place to encourage the major funders and performers of R&D to deliver results. IP is a central part of those incentives”

“Focusing on access to non-existent vaccines, treatments or cures, rather than the encouragement of needed innovation, at this stage, may not only represent a misunderstanding of the sequencing of innovation and access, but also create a disincentive to investment in needed innovation.”



We strongly believe that sustainable access to quality medicines can only be achieved by creating the necessary incentives for medicines innovation and by ensuring appropriate levels of healthcare infrastructure and financing. If these factors are not in place, or fail to operate effectively, then the objective of access will be significantly undermined.

Long before the COVID-19 pandemic, pharmaceutical companies have engaged in many voluntary licensing initiatives as part of their business model, with IP providing them the necessary confidence to engage in such transactions. For instance, several IFPMA member companies have established long-term partnerships with the Medicines Patent Pool (MPP) to license their HIV, tuberculosis, and hepatitis C products to well over a hundred countries. The biopharmaceutical industry's record of engaging with multiple stakeholders through various innovative access initiatives and research collaborations showcases that a strong IP incentive system is not incompatible with a rapid and robust response to a health crisis, as demonstrated in our actions to address COVID-19 and takes into account permits customized solutions to real-world problems that may arise.

Thank you.