

## MOTION

### 6. Saving Lives With a World Trade Organization (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Waiver (Member's Motion B.3)

At the Council meeting on May 18, 2021, Council referred the following motion to the Standing Committee on Policy and Strategic Priorities meeting on May 19, 2021, in order to hear from speakers, followed by debate and decision.

MOVED by Councillor Swanson

#### WHEREAS

1. The TRIPS (Trade-related Aspects of Intellectual Property Rights) Council is a part of the World Trade Organization (WTO) that enforces intellectual property like patents, copyright and trade secrets, and reaches decisions on these issues through the consensus of member countries, including Canada. The TRIPS Agreement provides a legal framework for dealing with intellectual property issues internationally (<https://guides.ll.georgetown.edu/c.php?g=363556&p=4154931>);
2. The COVID-19 pandemic has exacted a high toll among most of the countries around the world, both in terms of severe illness and mortality;
3. The pandemic cannot be stopped anywhere unless vaccines, tests, and treatments are available worldwide, including within and between countries;
4. The poor distribution of COVID-19 vaccines and treatments has contributed to a number of variants that are now being seen in Vancouver, and the continued transmission that takes place without vaccination allows for more variants to arise that could evade the vaccine (<https://news.un.org/en/story/2021/03/1087992>);
5. Half of the world's vaccine supply has been bought up by the world's richest countries who represent just 16% of the global population;
6. 80% of those who have been vaccinated against COVID-19 live in 10 high-income countries, including Canada;
7. Canada has voted against the so-called "TRIPS Waiver" three times since October 2020, while at the same time tapping into a WHO COVID-19 vaccine supply designated for poor countries (COVAX);
8. Control over who gets access to a vaccine, when, and at what price, is under the control of a small number of global pharmaceutical companies who have a monopoly over this life-saving inoculant. This allows these few companies to charge high prices, prioritize countries that can bid the highest dollar amount, and inhibit generic production;

9. A research team from Duke University's Global Health Innovation Center found that, if current inequities in vaccine access continue, the 92 poorest countries in the world will be unable to immunize a majority of the people who live there until 2023 at the earliest. This means that people will continue to die or become severely ill. Kenya expects that they will have only 30% of people vaccinated by 2023 (<https://www.washingtonpost.com/world/interactive/2021/coronavirus-vaccine-inequality-global/>);
10. The 2001 Doha Declaration, a statement from the WTO, clarifies that the TRIPS Agreement can and should be interpreted and implemented with the aim "to promote access to medicines for all" ([https://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/mindecl\\_trips\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_trips_e.htm));
11. WTO member countries can agree to waive certain obligations in these treaties under exceptional circumstances like a global pandemic;
12. If WTO members agree on the waiver, countries can choose not to grant or enforce intellectual property rights (for patents, industrial designs, copyright and trade secrets) specifically related to all COVID-19 medical products and technologies;
13. Waiving these obligations can make COVID vaccinations and drugs cheaper and can allow more people to produce them faster, thus helping more people;
14. The existing "flexibilities" in the WTO TRIPS Agreement, which allow governments to manufacture low-cost generic equivalents of patented medicines or to import the same from a foreign government with more manufacturing capacity, are important but inadequate in the context of the pandemic, during which speed of vaccination is of the essence for saving lives and preventing further variants. These flexibilities are only accessible on a case-by-case, product-by-product basis, which means they require a cumbersome and complex process that can take years to settle with patent-holding firms or foreign governments and do not allow for full global collaboration;
15. South Africa and India, with support from 100 mostly low and middle-income countries at the WTO, have proposed that patents on COVID-19 vaccines and treatments be temporarily suspended in compliance with the World Trade Organization rules in the TRIPS agreement, enabling these nations to immunize their people. This proposal is widely known as the TRIPS Waiver; and
16. In March, 2021, Oxfam's Health Policy Manager, Anna Marriott, said: the TRIPs Waiver is a "massive missed opportunity to speed up and scale up the production of lifesaving vaccines worldwide by waiving the intellectual property barriers that prevent more qualified manufacturers joining the effort." Oxfam is one of hundreds of organizations that have come out in support of the TRIPS Waiver. These organizations include: UNAIDS, the

Director-General of the World Health Organization, Médecins Sans Frontières, Human Rights Watch, Amnesty International, the Canadian Centre for Policy Alternatives, the Canadian Health Coalition, over 250 organizations and experts involved in education and research (including Education International, which represents over 30 million teachers globally) and many more. In addition, more than 170 former heads of state and government and Nobel laureates have spoken out in support for this measure; nearly 400 Members of the European Parliament and of national Parliaments across the EU have signed a [joint appeal](#) stating their unequivocal support for the Waiver; and nearly 1000 Canadian medical students and health advocates and 42 organizations have signed an open letter to Justin Trudeau to support the Waiver. On May 5th, the United States Trade Representative stated that the US will support the Waiver at the WTO.

THEREFORE BE IT RESOLVED THAT Council direct the Mayor to call on the Government of Canada to support the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Waiver “for the Prevention, Containment and Treatment of COVID-19”.

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