



FÉDÉRATION INTERNATIONALE DES CONSEILS  
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF  
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION  
VON PATENTANWÄLTEN

## Resolution of the Executive Committee

19 May 2021

### *“Protecting IP rights in connection with COVID-19 Vaccines and treatments”*

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled online for a meeting of its Executive Committee held on 19 May 2021, passed the following resolution:

**ACKNOWLEDGING** that the international COVID-19 pandemic represents a global humanitarian crisis;

**ALSO ACKNOWLEDGING** that everyone without distinction should have access to appropriate treatments and vaccines, at the very least because suppression of the SARS-CoV-2 virus requires immunisation of as many people worldwide as possible as rapidly as possible;

**NOTING** that it has been suggested that intellectual property protection for COVID-19 vaccines and related treatments and devices hinders the rapid manufacture and distribution of life-saving protections and treatments, especially in Developing Countries and Least Developed Countries;

**FURTHER NOTING** that it has been proposed to waive IP protection, including requiring the disclosure of trade secrets, on COVID-19 vaccines and treatments with the aim of decreasing the cost of the vaccines and treatments and hastening the end of the COVID-19 pandemic;

**OBSERVING** that there appears to be no evidence that IP rights inhibit access to vaccines and treatments in connection with the fight against COVID-19;

**NOTING** that IP rights are only one factor involved in the fight against COVID-19; other factors including complexities involved in the production of vaccines, availability of raw materials, development of systems for distribution and administration of the vaccines, and the related costs of these other factors;



**NOTING** that it is well established that the possibility to obtain IP protection acts as a strong incentive innovation to bring new products and processes to the market as quickly as possible; and many of the vaccines and treatments relevant to COVID-19 would not have existed had the IP systems not encouraged the development of technologies that have been rapidly adapted to produce vaccines against the SARS-CoV-2 virus;

**NOTING** that the ability to protect COVID-19 vaccines and treatments with IP will encourage innovation and the swift development of additional vaccines and treatments, particularly in view of the need for further improvements or variations to combat new variants of the virus;

**RECALLING** FICPI's previous Resolutions<sup>1</sup> which confirmed that the WTO system should offer the possibility of combating national emergencies or other circumstances of extreme urgency for public health;

**URGES** WTO member states to reject the proposed waiver and to continue to afford IP protection for all COVID-19-related innovations;

**AND FURTHER URGES** them to adopt appropriate measures as and when required, and to encourage all stakeholders to work together expeditiously, to ensure that all relevant IP rights are made available for licensing on fair and reasonable terms promptly as required, with the objective of facilitating the widespread distribution and use of sufficient amounts of vaccines, drugs, devices and methods of treatment or protection against COVID-19, to meet the needs of the global population during the course of the pandemic.

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<sup>1</sup> EXCO/GB01/RES/001, Goodwood Park, England, 2001, "Implementation of TRIPS in relation to Pharmaceuticals"; EXCO/CZ02/RES/005, Prague, Czech Republic, 2002, "Concerning the Doha Declaration on the TRIPS Agreement and Public Health"; and EXCO/PT05/RES/002, Lisbon, Portugal, 2005, "Compulsory Licensing of Pharmaceutical Patents for Export to Countries with Public Health Problems".