

Why don't all countries have equal access to COVID-19 vaccines?

An introduction to some of the barriers.

Context

The global COVID-19 vaccine rollout to-date has been marked by extreme inequity. Whilst many high-income countries are now vaccinating low-risk demographics [including children](#), many low- and middle- income countries are yet to vaccinate even their most high-risk populations, such as people with existing health issues or frontline health workers. [Over 75% of all doses worldwide have been administered in just 10 countries](#) and many high-income countries pre-ordered enough doses to vaccinate their entire populations many times over. Global vaccine supply has been “gobbled up”, [in the words of WHO director-general](#) Dr. Tedros Adhanom Ghebreyesus, by high-income countries, meaning that low- and middle-income countries face many barriers to accessing doses. As well as vaccine hoarding causing problems in the supply of doses, the production and manufacturing of vaccines has been overwhelmingly led by high-income countries, with the technology and know-how guarded by pharmaceutical companies, [some of which are making billions from manufacturing and selling COVID-19 vaccines](#). Whilst dose sharing is an important step to start addressing this injustice and redistributing doses, it is not a long-term, sustainable solution.

See our [‘Introduction to dose sharing’](#) for more background information.

Part 1. TRIPS waiver

What is ‘TRIPS’?

TRIPS, formally known as ‘Trade-Related Aspects of Intellectual Property Rights’ is an agreement that countries that are members of the World Trade Organization (WTO) have agreed in relation to the protection of intellectual property (IP) rights. IP rights give the ‘creator’ of something the exclusive right over the use of their creation for a specific period of time. This could be, for example, the rights over a film or in this case, the rights over the ‘ingredients and method’ for making COVID-19 vaccines. Pharmaceutical companies and manufacturers that have created the vaccine are currently protected under this WTO agreement, which gives them the sole rights to profit from their creation and they are under no obligation to share it.

What is a TRIPS waiver?

The TRIPS waiver is a proposal to the World Trade Organisation to temporarily suspend, or waive, the IP rights protection for technologies that are needed to prevent, contain or treat COVID-19. This proposal was put forward by the governments of South Africa and India, to be in place until the pandemic has ended, and is supported by over 100 countries. This would mean that pharmaceutical companies and manufacturers' patent rights over these products would be temporarily waived to facilitate increased production and more widespread manufacturing worldwide.

Why should there be a TRIPS waiver?

At the moment, demand for COVID-19 vaccines is far greater than supply. A few manufacturers have exclusive rights to make the vaccines yet they are not able to make enough for the world’s population. The current TRIPS agreement stops other manufacturers from stepping up to help meet the need of vaccine demand without an explicit licence with the original manufacturer. A TRIPS waiver could mean that with the right funding and technology made available, manufacturers which have unused or under-used capacity could start producing vaccines. [There are reports of qualified vaccine producers all over the world](#) that are ready to produce vaccines but are unable to because of barriers

to getting vaccine recipes, and patents on each element, from the individual ingredients to the production method. Sharing IP with manufacturers could help meet demand, ensure more countries have access to vaccines and encourage more transfer of knowledge and technology.

Who opposes it and why?

The UK and some other high-income countries, and multinational pharmaceutical companies, oppose a TRIPS waiver. This opposition, in part, comes down to the idea that an absence (even temporary) of intellectual property protection will disincentivise future innovation. If companies can't reap the full benefits from being the 'creator' of something, there is a worry they will stop 'creating'. However, it is important to note that many of these companies were only able to create the vaccines and explore this innovation due to public funding. The [AstraZeneca vaccine was 97% publicly funded](#) yet despite this, it is not publicly available worldwide. The UK government has claimed that voluntary licenses – rather than forcing changes through a TRIPS waiver – are a better way forward, highlighting those that have been [struck by AstraZeneca](#) as an example. These licenses, however, have some [troubling elements](#), and do not represent the open sharing of IP that the global vaccine response needs. To date, voluntary licences have not led to the increase in sharing of IP that we need to see and do not appear to be the most effective way of increasing manufacturing capacity.

There's more to it...

It takes lots of elements and processes to make a vaccine, and each of these may have IP rights protection. It is important that there is a waiver on the patent protections of every piece of the process of making the vaccine to ensure companies are protected legally when manufacturing vaccines. A TRIPS waiver is only the start of the process to increasing the production of, and access to, vaccines. Even if the 'recipe' is shared, the technology and knowledge transfer to actually put this into practice is not guaranteed.

Part 2. C-TAP

What is C-TAP?

The [COVID-19 Technology Access Pool \(C-TAP\)](#) was launched by the World Health Organization and partners to facilitate timely, equitable and affordable access to COVID-19 health products. This was to be achieved through boosting the supply of the products. The idea of C-TAP is that it is a central place for developers of COVID-19 related health products, from vaccines to diagnostics, to share IP, knowledge and data with manufacturers. Just as COVAX is intended as a pool for vaccines that would benefit any country, C-TAP is intended as a pool of know-how and technology so that production can be scaled up and benefit any country. This would help manufacturers with untapped capacity to increase their production. It is a long-term solution to upscaling and localising manufacture of critically important medical treatments.

Why is it needed?

Although pharmaceutical companies have made deals with other manufacturers, sharing with them the rights to produce the vaccine, these deals have had limits. For example, AstraZeneca has made deals with manufacturers around the world and is one of the few manufacturers willing to share intellectual property. However, AstraZeneca's license in India is restricted to the Serum Institute of India alone and bars the manufacturer from selling to upper-middle-income and high-income countries. And their deal with a Brazilian public research body gives AstraZeneca the power to declare the pandemic over as soon as July 2021, and then increase charges to governments and other purchasers. Use of the C-TAP mechanism means IP and technology is shared without the attachment of problematic terms.