



Thomas A. Schatz, *President*
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May 4, 2023

Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Re: COVID-19 Diagnostics and Therapeutics: Supply, Demand, and TRIPS Agreement Flexibilities
(Inv. No. 332-596)

Dear Secretary,

On behalf of the more than one million members and supporters of Citizens Against Government Waste (CAGW), I respectfully request that the members of the U.S. International Trade Commission not agree to include either additional current COVID-19 vaccines or future COVID-19 vaccines in the waiver of the World Trade Organization (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. Expanding the waiver will undermine intellectual property (IP) rights and damage U.S. global leadership in biopharmaceutical research and development.

IP rights were not a barrier to COVID-19 vaccines in nations claiming they were adversely affected by lack of access to the vaccines. The most significant problem has been inadequate infrastructure and delivery systems, including [refrigeration technology](#). Rather than forced and uncompensated sharing, which is essentially theft of IP, the WTO should focus on making sure that vaccines are made available throughout the nations where it has been difficult to provide them after they have been delivered.

Countries with limited resources should be getting the help they need to educate the public about the importance of getting vaccinated, develop improved vaccine storage and delivery processes, and administer the vaccines in a timely manner. The lack of seeing COVID-19 as a threat, along with inadequate communication and transparency from governments, are also factors in vaccine hesitancy. According to [a January 2022 study](#) published in the *American Journal of Infection Control*, a lack of high school education was the most important predictor of COVID-19 vaccine hesitancy. TRIPS waiver expansion will not solve these problems.

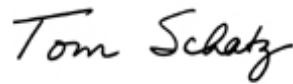
History will show that the TRIPS waiver did nothing to advance COVID-19 vaccination rates. Expanding the waiver to current and future vaccines will not only fail to increase vaccination rates, but also hinder research and development. [IP rights](#) were essential to the development of safe and effective COVID-19 vaccines, which have saved and will continue to save millions of lives around the world. Future cures for the next pandemic, and every type of disease, rely on protecting IP rights. Without those rights, researchers and scientists like Drew Weissman and Katalin Karikó would not have had the ability in the mid-1980s to build on discoveries from the 1960s to develop the [mRNA technology](#) that was used to rapidly produce COVID-19 vaccines.

CAGW has continually stood for the protection of IP to ensure future research and development of new drugs. CAGW President Tom Schatz expressed his concern over the fragility of IP rights in an April 26, 2021, [blog](#), “All Nations Must Respect and Protect Intellectual Property Rights.” Combatting the wide international disrespect for IP, including IP theft and attempted IP theft by other countries, is particularly important for life-saving vaccines and medicines, including those that have saved millions of lives during the COVID-19 pandemic. The U.S. should never support policies like the proposed changes to the TRIPS waiver agreement, which would force companies developing life-saving drugs and vaccines to forfeit valuable patent rights and turn them over to global competitors.

The language included in the TRIPS waiver expansion is vague and leaves “diagnostics and therapeutics” open for interpretation, which will lead to fewer new drugs and innovation. Investment in pharmaceuticals and new medical technologies presents risks and challenges to researchers and developers. Additional barriers that undermine global IP rights make it even more risky and challenging to develop life-saving cures.

The members of the U.S. International Trade Commission should avoid agreeing to the additional TRIPS waiver requests. Doing so would undercut American biopharmaceutical innovation and have devastating consequences for the future of medical science and innovation.

Sincerely,

A handwritten signature in black ink that reads "Tom Schatz". The signature is written in a cursive, slightly slanted style.