

Anti COVID Vaccines — Temporary Suspension of Patents?

Alejandro Teitelbaum

Introduction

The magnitude and complexity of the current pandemic has confronted the world society with seemingly irreconcilable dilemmas between fighting it with a certain level of effectiveness by seriously affecting the functioning of the economy and other aspects of social life such as education, free movement of people, freedom of assembly, etc. Or keeping the latter untouched at the price of an uncontrollable spread of the pandemic. A compromise between the two alternatives has been sought, with relative success.

The vaccines in use seem to play a very important role in slowing down the pandemic.

But there is a marked difference between rich and poor countries in terms of their availability. This has direct negative consequences on the control of the pandemic in the latter and indirect consequences in the former because of the ease and speed of transmission of COVID and its variants from poor regions to those with a sufficient and even abundant supply of vaccines.

The call then arose to make vaccines a public good, not subject to the laws of the market. And the surprising decision of President Joe Biden, unsuspected of collectivist inclinations, to support India, South Africa and dozens of other countries in temporarily suspending the patents for antiviral vaccines, i.e. the rights inherent to the private ownership of vaccines.

This proposal was immediately rejected by the main leaders of the major powers, except for Macron, who suddenly changed his mind on the matter.



EU leaders in rejecting temporary suspension propose voluntary licensing as an alternative. And they forget about compulsory licences.

In voluntary licensing, the granting of a license depends on the willingness of the granting party.

The parties negotiate an agreement setting out the conditions of use of a patented product or process, where the licensing party actually sets the conditions and the licensee has little room for negotiation. The latter must pay an initial sum (right of "entry" or "access" to the invention technology), a (monthly) royalty, i.e. a percentage based on the net or gross sales or turnover of the patented product, and the obligation to pay a minimum regardless of the quantity of products sold. In addition, the agreement sets out the territorial limits for the application of the voluntary licence.

Gilead entered into voluntary licenses with seven generic companies in India, authorising the production of the drugs Ledipasvir and Sofosbuvir. Among the terms agreed, it was determined that the Indian companies would be responsible for paying 7% of royalties from sales.

Due to the territorial limitation of the license, many developing and least developed countries were excluded.

It is striking that this agreement involves the negotiation of medicines for which Gilead does not hold any patents in India. Thus, it appears that the licensing agreement was motivated by the fear that India would impose a **compulsory license** on Gilead, which would favour competition and lower prices.

Indeed, a **compulsory license** is an authorisation obtained by a state to make a patented product or to use a patented process **without the consent of the patent holder**. The patent holder is forced to tolerate that a third party performs acts of exploitation without his consent. Compulsory licenses **are not an exception but a limitation to exclusive rights**. Exceptions are of a general nature and apply by law to all patent holders. They operate "imperio legis". **They do not require state authorisation or the consent of the patentee**. Compulsory licenses operate once granted the right to use a particular invention. The term "compulsory licenses" does not appear in TRIPS (Trade-Related Aspects of Intellectual Property Rights). Instead, the term "other uses without the right holder's authorisation" appears in the title of Article 31. It is mainly used for medicines. And in the case of the current pandemic its application is obvious.¹

India and South Africa

India and South Africa submitted a new proposal to the World Trade Organisation (WTO) in May 2021, expanding the proposal they had submitted in October 2020, with the aim of freeing up patents on vaccines and other medicines and health products needed to tackle the coronavirus pandemic.

In the days leading up to the WTO meeting on 8-9 June, where the new proposal was discussed, support for the patent suspension continued to grow, with 106 countries in favour, 63 of them WTO members. However, a dozen members continue to block the negotiation and delay the necessary consensus to adopt the measure. These include, in addition to the European Union, the United Kingdom, Australia, Japan, Singapore, Taiwan, Brazil, South Korea, Norway and Switzerland.

¹ ↪ Universidad Externado de Colombia. [Las licencias voluntarias: mecanismos para garantizar el acceso a medicamentos esenciales?](#) Luisa Herrera Sierra, docente investigadora. —Seminario Regional de la OMPI para algunos países de América Latina y del Caribe sobre la implementación y el uso de ciertas flexibilidades en materia de patentes Tema 8: [Licencias obligatorias](#). Andrés Moncayo von Hase Profesor de Propiedad Intelectual, UBA —[Los ADPIC y las patentes de productos farmacéuticos](#). Hoja informativa de la OMC

The European Commission has put forward an alternative proposal that would create a new obstacle to the temporary suspension of patents. It proposes to "limit the application of export barriers" to vaccines and other Covid-19 products, and encourages producing countries to export a fair share of their domestic production. Second, the EU urges governments to "strongly" **encourage and incentivise pharmaceutical companies to scale up production** (our emphasis added) and "ensure an adequate and affordable supply of vaccines to low- and middle-income countries during the pandemic".

On 10 June, the European Parliament voted a resolution (355 votes in favour, 263 against and 71 abstentions) in favour of negotiating the release of patents on vaccines against the coronavirus. The resolution, while exposing the situation created by the pandemic, the profound inequalities with which it is being tackled and the stubborn resistance of the big pharmaceutical transnationals to suspend patents and give up their astronomical profits,² is a hybrid that combines paragraphs in favour of suspending patents with others pointing out the advantages of retaining patents.

("K. whereas patents and other intellectual property protections provide safeguards for entrepreneurial risk-taking, and whereas a multilateral legal framework on intellectual property rights provides essential incentives for future pandemic preparedness"...) ³

An amendment to the resolution calling on the WTO to be "proactive, constructive and text-based" in its negotiations to

The fact that there is public discussion of the possibility of certain vaccines ceasing to be privately owned and profitable—even temporarily—opens up the general question that medicines indispensable for human well-being should be the common heritage of humanity and not commodities destined to produce astronomical profits, at the expense of the fundamental rights of the individual.

"widen global access to COVID-19-related medical products" was only one vote ahead: 325 to 324. Two more explicit amendments, introduced by left-wing groups, were rejected. One called on the European Commission "to ensure that the results of research funded in whole or in part by EU programmes or other public funds, including the future HERA,⁴ remain in the public domain or be subject to non-exclusive licensing". The other said that "during pandemics and epidemics, the right to health

should prevail over the right to profit, and that patents should not be an obstacle to the production of life-saving vaccines and medicines and should not be used for additional profits and gains".

The United States

There are different, but not mutually exclusive, interpretations of Biden's decision.

- a) One is that the fact that there is public discussion of the possibility of certain vaccines ceasing to be privately owned and profitable—even temporarily—opens up the general question that medicines and other services and products indispensable for human well-being should be the common heritage of humanity and not commodities destined to produce astronomical profits for large private companies and their shareholders, at the expense of the fundamental

² ↪ Point I of the European Parliament resolution of 10 June reports that no private companies have participated in the COVID-19 Technology Access Pool (C-TAP) initiative. C-TAP is the WHO's solidarity initiative to increase production and facilitate rapid, equitable and affordable access to COVID-19 health products.. (See: [OPERATIONALISING THE COVID-19 TECHNOLOGY ACCESS POOL \(C-TAP\)](#) — WHO, 28 October 2020.

³ ↪ See Parlamento Europeo: [Respuesta al desafío mundial de la COVID-19](#) — Textos aprobados - P9_TA(2021)0283

⁴ ↪ European Commission President Ursula von der Leyen announced in February the launch of the European bio defence preparedness plan called the "HERA Incubator" to prepare Europe for an increased threat from coronavirus variants. The Health Emergency Response and Preparedness Authority (HERA) incubator will bring together scientific, industrial and public authorities and harness all available resources, she said, to enable Europe to respond to this challenge.

rights of the individual. This is an issue that, if it becomes widespread, could become explosive for the ruling classes. One strategy to neutralise it is to propose a - very limited and impracticable - decision by the WTO - a way to gain time until the issue disappears from the agenda.

- b) His proposal can also serve Biden to make a good figure in the eyes of the "left wing" of the Democratic Party.
- c) And, by the way, to buy time with mirages while the big pharmaceutical transnationals continue to pocket sidereal profits. This is a tactic similar to that employed by the leaders of the European Union and other major and medium-sized powers.

The most disappointing interpretations of Biden's decision come from individuals and institutions that might be expected to take a critical approach and instead declare that it is "a historic event" that will produce important results in containing the pandemic in poor countries, etc.

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have positive effects in overcoming, even if only in part, the tremendous inequality that currently exists in the production and distribution of vaccines. But it must be perfectly clear that the WTO will not adopt the India/South Africa proposal or will at best adopt a text that is devoid of substance and totally devoid of practical effectiveness. This happens regularly in the WTO and in almost all international organisations. At the UN, for example,

successive proposals to provide transnational corporations with a legal framework that would oblige them to respect fundamental human rights have been defeated for 45 years.

The WTO

The World Trade Organisation (WTO) was established by one of the agreements contained in the Final Act of the Uruguay Round, signed in Marrakesh in April 1994, and formally entered into force on 1 January 1995.

Most of the WTO Agreements are the result of the Uruguay Round negotiations (1986-1994) which culminated in their signature at the Marrakesh Ministerial Meeting in April 1994. There are around 60 Agreements and Decisions.

Since then, negotiations have resulted in additional legal texts.

The WTO is governed by its member governments. All major decisions are taken by all members, either at the level of Ministers (who meet at least every two years), or at the level of ambassadors and delegates (who meet regularly in Geneva). Decisions are normally taken by consensus.

In this respect, the WTO differs from other international organisations such as the World Bank and the International Monetary Fund. In the WTO, there is no delegation of authority to a board of directors or to the head of the organisation. The supreme authority is the Ministerial Conference of all member states.

The day-to-day activities that take place between the Ministerial Conferences are articulated in three bodies: the General Council, the Dispute Settlement Body and the Trade Policy Review Body.

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representatives of all members.

In reality, these three bodies are one, for the Agreement establishing the WTO stipulates that their functions are exercised by the General Council, which, however, has a different mandate depending on the case. These three bodies are also composed of

There is a third level: advice for each major trade area: the Council for Trade in Goods; the Council for Trade in Services; and the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS Council).

But in fact, the WTO works in a very different way.

The vast majority of countries participate in the preliminary and substantive discussions in the WTO with a number of disadvantages. Firstly, the WTO has just over 160 member states and 30 observer states, but only 30 to 35 states actually participate in the negotiations, with the majority of the absentees being poor countries. Moreover, only one third of these states have a permanent delegation to the WTO.⁵ Negotiations are conducted on a sector-by-sector basis, and these are numerous, requiring each state to have many specialised officials, which is not the case for poor countries.

In the welter of meetings and negotiations, many of which most states do not attend, seemingly technical issues are discussed, but with serious economic policy implications, such as which sub-sectors fall into which sectors. For example, it has to be decided whether the management of a hospital is to be classified as a management service or as a public health service, or whether audio-visual is a commodity or a service. Many countries are then faced with a fait accompli and have to bear the consequences.

In contrast, the G8 countries, in particular the United States, have numerous specialised officials and teams of advisors, in many cases law firms specialised in international business, who in fact represent the interests of transnational corporations, which allows them to exploit the technical difficulties involved in the negotiations to their advantage.

Moreover, at the WTO ministerial meeting in Doha in November 2001, which began the round of negotiations named after the host city of the inaugural meeting, a totally undemocratic decision-making procedure was used in its preparatory stage, whereby members, individually and/or in plurilateral groups, negotiated with the Secretariat beforehand. In Doha, ministers gave their views to the "facilitators", appointed by the Chair of the meeting without prior consultation. The "facilitators" and the Secretariat worked on a conclusion that bore no relation to the views expressed by various ministers.

Only a few insiders know who the "facilitators", called "green men", really are, because the first such councils were held in a green room at the Seattle meeting.⁶

The decisions of the WTO are binding and the consequences of these decisions can be dramatic for the fundamental rights of peoples.

After the November 2001 meeting in Doha, outgoing WTO Director Mike Moore proposed to institutionalise the "green men" system. The "green men" system is fully supported by the European Union and the United States and is a further step

⁵ ↪ Pierre Jacquet, Patrick Messerlin y Laurence Tubiana, Le cycle du millénaire, Rapport pour le Conseil d'analyse économique (Premier Ministre). La Documentation Française, Paris, 4ème. trimestre 1999.

⁶ ↪ Martin Khor ¿Qué hacemos con la OMC? Un programa de cambios para el comercio global.

<https://www.tarragona.cat/cooperacio/educacio-per-al-desenvolupament/que-hacemos-con-la-omc-un-programa-de-cambios-para-el-comercio-global>

towards making the WTO serve the rich countries and transnational corporations. The majority of WTO member countries are thus excluded from decision-making.

The decisions of the World Trade Organisation are binding, and states that do not abide by them are subject to sanctions. The consequences of these decisions can be dramatic for the fundamental rights of peoples.

The Patent and Licensing Regime Established in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

This agreement is one of the founding agreements of the World Trade Organisation. The decidedly "liberalising" orientation of the WTO changes abruptly in this agreement, because it deals with the monopolistic or oligopolistic ownership by transnational corporations of the most advanced technologies and of many trademarks and patents, which are a source of enormous profits. This is why the discussions held over the years at the United Nations Conference on Trade and Development (UNCTAD) to adopt an **International Code of Conduct on the Transfer of Technology** never reached agreement, and why TRIPS was finally adopted, which in fact reinforces the oligopolistic or monopolistic ownership of economically exploitable knowledge.

The duration of the protection conferred by a patent has been set at 20 years (art. 33) and that of trademarks is indefinite (seven years renewable indefinitely, art. 18), which entails excessively delaying the moment when new knowledge enters the public domain, to the exclusive benefit of the owners of the patents, generally transnational corporations. But big business has found a way to extend the duration of patents on medicines through a new presentation of the same medicine (new use) without technical innovation.

Under this agreement, India lost a WTO dispute against the United States and the European Union on a similar issue to that raised in the case of the 39 pharmaceutical transnationals (which ended in a settlement between the parties) against South Africa.⁷ In 1997, the Appellate Body of the World Trade Organisation ruled in favour of the United States, which was challenging India's legislation temporarily preventing the registration of patents on pharmaceuticals and agrochemicals (Decision AB19975. WT/DS50/AB/R of the WTO Appellate Body of 13 December 1997). The Appellate Body made an arguable interpretation of the procedures and of Articles 70.8 and 70.9 of the TRIPS Agreement to require India to immediately grant exclusive marketing rights to pharmaceutical transnationals without waiting for 11 January 2005, as India claimed, according to its interpretation of the aforementioned Articles 70.1, 70.2 and 65.1, 65.2 and 65.4 of the Agreement.

The European Union, acting as a third party in the dispute, alongside the United States and against India, argued that India's reference to the importance for developing countries of the issue of exclusive marketing rights for pharmaceuticals and agrochemicals was inadmissible. The EU invoked the principle of "pacta sunt servanda" (treaties must be observed) contained in article 26 of the Vienna Convention on the Law of Treaties, but overlooked article 53 of the same Convention, which provides for the invalidity of any treaty that conflicts with a binding norm of general international law. In this case the norms enshrining the right to health and the right to life.

⁷ ↪ Thirty-nine transnational pharmaceutical companies filed a lawsuit against South Africa after the country's 1997 Medicines Act authorised the importation or local production of AIDS drugs. The litigation caused such an international uproar that in 2001 the transnationals withdrew their lawsuit.

By contrast, in 2007, India won a case brought by Novartis before an Indian court on a similar issue: the right to manufacture generic medicines.⁸

The TRIPS Agreement, which has reinforced the already existing negative aspects of technology transfer, is widening the technological gap between industrialised and peripheral countries, to the detriment of the development of the latter, and affects fundamental human rights such as the rights to health and to sufficient food, with dire consequences for a large part of humanity.

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It is argued that the long-term protection of the owner motivates him to invest in research, but that much of the investment in research is made by the state (i.e. taxpayers) and that laboratories spend much more on advertising than on research is forgotten.

1) that much of the investment in research is made by the state (i.e. taxpayers) and that laboratories spend much more on advertising than on research; 2) that the profits from the commercialisation of knowledge (which are often exorbitant as in the case of basic drugs in the pharmaceutical industry) amortise the investment made by the patent owner and begin to produce huge net profits for him in very short periods of time;⁹ 3) that new knowledge is the result of

social work carried out by scientists, technicians and workers and of a historical process of accumulation of knowledge. Therefore, it is very debatable whether it belongs exclusively to those who invested capital in the research (if they really invested and did not just take advantage of the public investment) and 4) that a very long patent right encourages monopoly pricing and therefore harms the consumer.

Pharmaceutical Industry

The pharmaceutical industry is one of the most profitable, if not the most profitable, of all industries, including drug trafficking and arms sales.

US drugmaker Pfizer in May announced net profits of \$4.877 billion in the first quarter, up 45% from the same period last year, thanks largely to sales of its covid-19 vaccine. Some \$3.5 billion in sales, it said in a statement, came from its BNT162b2 anti-COVID vaccine, which has become the company's main source of revenue. Pfizer also announced that for the year as a whole it expects to earn around 26 billion dollars from the vaccine, taking into account the contracts signed so far.

Until now, the pharmaceutical company had expected to earn around 15 billion dollars, so it has revised its forecasts upwards and expects its annual turnover to be between 70.5 billion and 72.5 billion dollars, much higher than its initial estimates of around 60 billion.

Pfizer's revenues are only a fraction of those generated by the coronavirus vaccine, as the US company splits them with its German partner BioNTech, which developed the product.¹⁰ The current pandemic has provided the pharmaceutical

⁸ ↪ The pharmaceutical transnational Novartis filed a lawsuit against India in August 2006, attacking the country's licensing laws in order to defend its monopoly on an anti-leukaemia drug, Glivec. But Novartis lost the case in August 2007.

⁹ ↪ A study reveals that 97% of the investment to develop AstraZeneca's vaccine was public. It states that the company bore less than 3% of the research costs that made it possible. Most of the 120 million euros invested came from the UK government (45 million) and the European Commission (30 million), while the rest came from publicly-funded entities (research centres) and foundations that support scientific research.

¹⁰ ↪ See EFE: [Vacuna contra la covid dispara las ganancias de Pfizer 45 %](#) — Portafolio, 4 Mayo de 2021.

oligopolies and their shareholders with unprecedented profits, far exceeding the huge profits they have enjoyed for years.¹¹

Table 1: Covid-19 vaccines: a sweet business deal (See: Alfonso Simón Ruiz y Laura Salces Acebes: [Los fabricantes de vacunas de Covid: un negocio de miles de millones](#) — Cinco Días, 26 noviembre 2020.

| How future COVID-19 vaccines influence their manufacturers' bottom lines | | | | | | | | | |
|--|---|-----------------------------|--------|--------|-------------------------------|--------|--------|--|--|
| Vaccine companies | Stock market performance Since March - % | Expected revenues million € | | | Expected net profit million € | | | | |
| | | 2020 | 2021 | 2022 | 2020 | 2021 | 2022 | | |
| Novavax | +541,3 | 464 | 2.311 | 1.508 | -261 | 830 | 623 | | |
| BioNTech | +200,0 | 431 | 4.999 | 3.112 | -234 | 3.125 | 2.810 | | |
| Moderna | +436,0 | 378 | 4.160 | 4.156 | -540 | 1.967 | 1.553 | | |
| CureVac* | +411,2 | 66 | 712 | 1.755 | -170 | 113 | 985 | | |
| (*) Salió a Bolsa en agosto | | | | | | | | | |
| Major laboratories | | | | | | | | | |
| Johnson & Johnson | +9,1 | 69.080 | 74.955 | 78.861 | 17.783 | 19.852 | 21.826 | | |
| Pfizer | +18,8 | 41.638 | 43.935 | 42.955 | 14.107 | 16.366 | 15.739 | | |
| GSK | -7,7 | 38.415 | 39.904 | 41.524 | 6.519 | 6.636 | 7.136 | | |
| Sanofi | +5,3 | 36.467 | 38.186 | 39.924 | 7.372 | 7.832 | 8.712 | | |
| AstraZeneca | +15,5 | 22.361 | 25.310 | 28.585 | 4.497 | 5.586 | 6.972 | | |

Fuente: Bloomberg

A. MERAUIGLIA / CINCO DÍAS

Indeed, according to Fortune magazine in April 2003, among the 500 largest US industrial companies, the pharmaceutical industry is far ahead of the others in three profit criteria: 14.5% on equity, i.e. 6 times the average of the 500 companies, 17% net profit on turnover, i.e. 5.5 times the average of the 500 companies, and 27.6% return on equity, three times the average of the companies cited by Fortune.¹² In addition, the pharmaceutical industry has other financial advantages: in the United States, home to several of the largest pharmaceutical transnationals, research and marketing expenses are tax deductible and the tax on profits in the pharmaceutical industry has been 16.3% while the average tax on profits in other industries has been 27.3% (Boston Globe, 23 December 1999).

The ten largest transnational pharmaceutical companies in the world sold in 2005 for 295 billion dollars and made a profit of 58 billion dollars in 2005. In the decade 1996-2005, the average rate of return on invested capital - net of taxes

¹¹ ↪ The pharmaceutical oligopolies, with the collaboration of the world's dominant political elites, aim to prolong these fruitful results as long as possible, even against the recommendations and prescriptions of truly independent scientific bodies and groups that have no other motivation than public health, in the short and long term.

¹² ↪ Data taken from the interview published in the magazine En Marche of the Belgian Mutualité Chrétienne on 7 March 2005 with Dr. Dirk van Duppen, author of the book "La guerre des médicaments. Pourquoi sont-ils si chers". EPO Collection, Brussels 2005.

- for these companies was 29 per cent. In the same period they invested 288 billion in research, 739 billion in marketing and administration and their shareholders received 317 billion dollars. In other words, 2.6 times less was invested in research than in marketing and administration, and the dividends received by shareholders were higher than the investment in research.¹³

The French daily Le Monde on 31 March 2005 reported that Pfizer, the world's number one pharmaceutical company, had 38,000 medical sales representatives on three continents and that in 2004 it had spent 16.9 billion dollars on marketing, twice as much as on research.

A September 2007 report by the French General Inspectorate of Health Affairs (IGAS) states that the pharmaceutical industry's marketing expenditure in France represents 12% of its turnover, more than three quarters on medical sales representatives (representing 25,000 euros per year and per doctor visited according to the same report), and the rest on advertising (13%) and congresses (8.6%). All this is paid for by Social Security when reimbursing medicines. In other words, the taxpayer.

The companies' marketing to doctors (sales representatives, free samples, congresses that are more gastronomic and touristic than scientific) influences their decisions when prescribing medicines. Worse still, highly reputed doctors function as communicators for pharmaceutical companies, giving their "authoritative opinion" on the virtues of a drug, while hiding the fact that they have an interest in the laboratory that produces it. For this reason, a French consumer association, Que Choisir, filed a complaint against nine doctors with the French Medical Association in April 2009 for violation of the legal obligation of transparency in medical information.

According to a study by the US National Institutes of Health (NIH), the public institution that funds biomedical research, revealed that 85% of the cost of developing the five best-selling drugs in the 1990s was financed by the state. In other words, innovation in biomedical research is paid for by taxpayers and the profits from it go to companies, profits that come back out of the pockets of taxpayers who pay for (expensive) medicines.

According to a study by the US National Institutes of Health (NIH), the public institution that funds biomedical research (in 2008 it had a budget of 29 billion dollars) revealed that 85% of the cost of developing the five best-selling drugs in the 1990s was financed by the state. Dr Elias Zerhouni, Director of the NIH until October 2008, confirms: "We fund almost 90% of US health research". Sixty percent in basic research and 40% in applied research. (Les Echos newspaper, France, May 2008).

In other words, innovation in biomedical research is paid for by taxpayers and the profits from it go to companies, profits that come back out of the pockets of taxpayers who pay for (expensive) medicines.

The big pharmaceutical companies are in an all-out competition with each other in order to get a new drug to market first, and thus pocket a handsome profit. **This is a major obstacle to scientific collaboration and exchange between researchers.**

The UN Committee on Economic, Social and Cultural Rights issued a statement in 2001 in which it said: *Whereas intellectual property rights are attributable and limited in scope and duration and susceptible to transaction, amendment and even waiver, human rights are eternal and constitute the expression of a fundamental claim of the human person.*

¹³ ↪ From the work "Socio-economic analysis of the global pharmaceutical industry for the ten-year period 1996-2005", carried out by Professors Leo-Paul Lauzon and Marc Hasbani of the Universidad Quebec de Montreal. http://www.cese.uqam.ca/pages/pub_recherche.php?sujet=pub_recherche#2006_.

*While human rights aim to ensure a satisfactory degree of human and social well-being, intellectual property regimes - while traditionally providing protection for individual authors and creators — **are increasingly focused on protecting commercial and corporate interests and investments.***¹⁴

More information: [Clotilde Jourdain-Fortier](#) and [Mathieu Guerriaud](#): Covid-19: [la levée des brevets sur les vaccins, remède miracle ou mirage?](#)

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¹⁴ ↪ Committee on Economic, Social and Cultural Rights, Human Rights and Intellectual Property Issues. Statement of the Committee. United Nations (E/C.12/2001/15) 14/12/2001, paragraph 6.

❖ **About Jus Semper:** The Jus Semper Global Alliance aims to contribute to achieving a sustainable ethos of social justice in the world, where all communities live in truly democratic environments that provide full enjoyment of human rights and sustainable living standards in accordance with human dignity. To accomplish this, it contributes to the liberalisation of the democratic institutions of society that have been captured by the owners of the market. With that purpose, it is devoted to research and analysis to provoke the awareness and critical thinking to generate ideas for a transformative vision to materialise the truly democratic and sustainable paradigm of People and Planet and NOT of the market.

❖ **About the author:** Alejandro Teitelbaum is a Fellow Associate with Jus Semper since 2010. He worked for many years on the issue of human rights in the realm of global corporations and other business enterprises. As the former Permanent Representative, successively from 1985 to 2006, to the United Nations Office in Geneva, for the International Federation of Human Rights and the American Association of Jurists, he spent time toiling with the bureaucracies of the UN and member states in pursuit of an international legal framework that would harness the business activity so that it would stop violating a wide array of human rights in its sphere of influence, as is customarily the case today. As such, he witnessed how, time and time again, the bureaucracies succumbed to the will of the leading economic powers, that were adamant at maintaining the preeminence of corporate interests over their responsibility for their infringement on human rights. Alejandro Teitelbaum is a Lawyer, a graduate of the Universidad de Buenos Aires, and a Postgraduate in International Economic Relations at the Institute of Economic and Social Development Studies, Université Paris I.



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