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Open letter to the World Health Organization (WHO) and its Member States on the proposal by Costa Rica to create a global pool for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the coronavirus/COVID-19 pandemic»Knowledge Ecology International

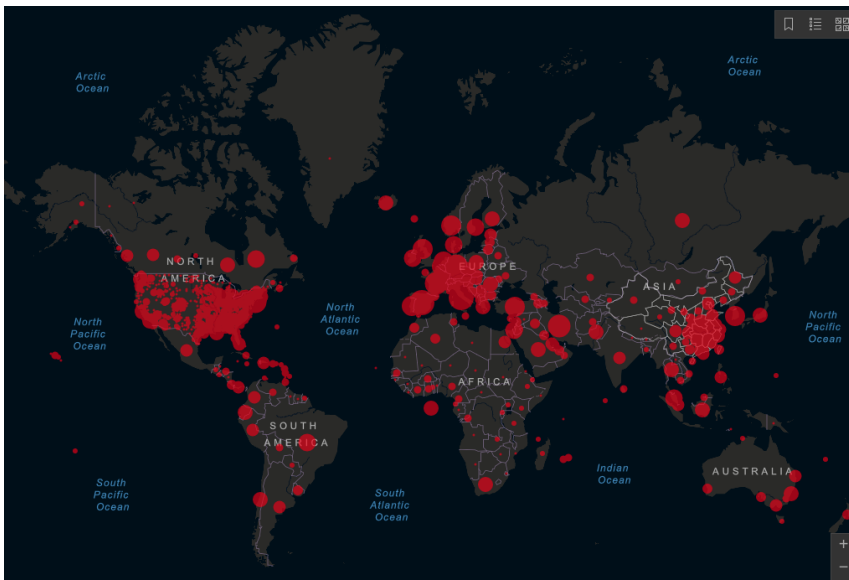
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Open letter to the World Health Organization (WHO) and its Member States on the proposal by Costa Rica to create a global pool for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the coronavirus/COVID-19 pandemic

Posted on March 27, 2020 (<https://www.keionline.org/32599>) by James Love (<https://www.keionline.org/author/james-love>)



March 27, 2020.

We are writing to ask the WHO and its Member States to support the proposal by Costa Rica for the creation of a global pooling mechanism for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the coronavirus/COVID-19 pandemic.

(Copy of letter from Carlos Alvarado Quesada, Presidente de la República, Costa Rica, and Daniel Salas Peraza, Ministro de Salud, Costa Rica, to Dr. Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization, available here (<https://www.keionline.org/wp-content/uploads/President-MoH-Costa-Rica-Dr-Tedros-WHO24March2020.pdf>)).

Costa Rica correctly saw this as a pool with a diverse set of rights, including those relating to patents on inventions and designs, regulatory test data, research data including outcomes, know-how, cell lines, copyrights and blueprints for manufacturing, as these rights relate to equipment, diagnostic tests, devices, medicines, vaccines, and other medical tools.

Such a pool would allow for competitive and accelerated production of needed COVID-19 technologies, and expand our capacity to address the need for affordable products for all.

The inputs to such a pool could come from governments that fund research and development or buy innovative products, as well as from universities, research institutes, charities, private companies and individuals who control rights.

The WHO should immediately reach out to Member States that are funding biomedical research relevant to the current pandemic, and engage other rights holders as well.

We recognize that some governments and other entities may be reluctant to openly share technologies globally, such as by open licensing or licensing on reasonable and affordable royalties, when there is uncertainty about whether others will make similar commitments.

To move forward as quickly as possible, and consistent with the Costa Rica proposal, the WHO can put forth an initial phase-one agreement that creates the bare minimum legal basis to permit such assignments/licenses in the future, such as by including options in funding contracts, and create a process for working out the details at a later date, including the ultimate decisions on which technologies to share, and the terms of the authorizations, including possible remuneration. As rights holders work with the WHO and deepen their understanding of the challenges we face in responding to the pandemic, the logic and benefits of cooperation and global pooling will be compelling.

The most important and needed element today is leadership, to convince those funding R&D or buying innovative products that in this emergency, the broadest sharing of technology could save the most lives. Moreover, and this needs to be addressed in funding agreements, now.

Organizations (alphabetical order)

Alianza LAC-GLOBAL por el Acceso a Medicamentos

American Medical Student Association

Associação Brasileira Interdisciplinar de AIDS (ABIA)

Comité de Veeduría y Cooperación en Salud de Colombia (CVCS) / Health Oversight and Cooperation Committee (CVCS)

Corporación Innovarte

Creative Commons Ecuador

FUNDACION IFARMA – Colombia

Fundación Vía Libre

Global Justice Now

Grupo de Trabalho sobre Propriedade Intelectual (GTPI)

Health Action International

Health GAP (Global Access Project)

Incentives for Global Health

Just Treatment

Knowledge Ecology International

Korean Pharmacists for Democratic Society(KPDS)

Korean Federation Medical Activist Groups for Health Rights (Association of Korea

Doctors for health rights, Association of Physicians for Humanism, Korean Dentist's

Association for Healthy Society, Korean Pharmacists for Democratic Society, Solidarity for worker's health)

Lawyers Collective

Misión Salud

Observatorio Iberoamericano de Propiedad Intelectual (OBIFI)

People's Health Institute (Korea)

Public Citizen

Public Eye

Red Latinoamericana por el Acceso a Medicamentos (RedLAM)

Salud por Derecho

Salud y Fármacos EEUU

SELACC (the secretariat of Cáritas Latin America and the Caribbean)

STOPAIDS

T1International

Treatment Action Group

UAEM Europe

Union for Affordable Cancer Treatment (UACT)

Universities Allied for Essential Medicines (UAEM)

Wemos

Global Health Law Committee, International Law Association

- Frederick Abbott, Co-Chair, Edward Ball Eminent Scholar Professor, Florida State University College of Law, USA
- Brigit Toebe, Co-Chair, Professor and Chair, Health Law in a Global Context, Faculty of Law, University of Groningen, The Netherlands
- Ellen 't Hoen, Co-Rapporteur, Director Medicines Law & Policy and University Medical Centre Groningen.
- Including the following Members:
 - Ryan Abbott, Professor of Law and Health Sciences, University of Surrey, United Kingdom and Adjunct Asst. Prof. of Medicine, David Geffen School of Medicine at UCLA, USA
 - Pia Acconci, Full professor of international law, Faculty of Communication Science, University of Teramo, Italy
 - Wang Chenguang, Professor of Law, Tsinghua University, China.
 - Andre den Exter, Universitair hoofddocent Gezondheidsrecht (University professor Health Law), Jean Monnet Chair EU Health Law, Erasmus School of Law, The Netherlands
 - Hélène De Pooter PhD, LLM, Senior Lecturer in Law, Bourgogne Franche-Comté University (France)
 - Gian Luca Burci, Adjunct Professor of International Law, Graduate Institute of International and Development Studies, Geneva, Switzerland
 - Dr. Mihalis Kritikos, Scientific Foresight Unit (STOA), EPRS | European Parliamentary Research Service
 - Stefania Negri, Associate Professor of International Law, Department of Legal Sciences – University of Salerno, Italy
 - Laurent Sermet, Professeur d'Université, Institut d'études politiques, Aix-en-Provence, France
 - Pedro Villarreal, PhD (UNAM, Mexico), Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany
 - Tania Voon, Professor, Melbourne Law School, University of Melbourne, Australia
 - Morten Walløe Tvedt Associate Professor, Molde University College, Norway, Norwegian branch.

Individuals (alphabetical order)

Barbara Handelin, PhD, CoFounder, Audacity Therapeutics

Carol A. Nacy, Ph.D., CEO, Sequella, Inc.

Charles Clift

Claudia Vaca, Profesora asociada, Directora Centro de Pensamiento: "Medicamentos, Información y Poder", Universidad Nacional de Colombia

Diane Singhroy, PhD, Virologist

Dr. Andrew Hill, Honorary Visiting Senior Research Fellow, University of Liverpool

Dr. Carina Vance, former Minister for Public Health (Ecuador), former Director of the South American Institute of Governance in Health (ISAGS) of the Union of South American Nations (UNASUR).

Dr. Guillaume Long, former Minister of Foreign Affairs (Ecuador)

Dr. Hernán Núñez Rocha, former Director of the Ecuadorian patent office

Dr. Jennifer Sellin, Assistant Professor Dept. of International & European Law, Faculty of Law, Maastricht University, Maastricht Centre for Human Rights

Dr. René Ramírez Gallegos, former Minister of Higher Education, Science, Technology and Innovation in Ecuador

Dr Ruth Lopert MD MMedSc FAFPHM, Director, LWC Health

Ellen 't Hoen LL.M PhD, Director, Medicines Law & Policy

Fifa Rahman, PhD Candidate, Intellectual Property and International Trade, University of Leeds

Gregg Alton, Former Chief Patient Officer Gilead Sciences, Inc.

Hannes Braberg, PhD, Staff Scientist at University of California, San Francisco

Jennifer Cohn, MD MPH, Assistant Professor, Division of Infectious Diseases, University of Pennsylvania School of Medicine

Jennifer Milena Bueno, SLP MsC, Coordinadora CVCS, Investigadora en comunicación-educación en salud

Jordan Jarvis, MSc, DrPH Candidate, London School of Hygiene & Tropical Medicine, UK; Visiting Researcher, MAP-Centre for Urban Health Solutions, St. Michael's Hospital, Toronto, Canada

Jorge Bermudez, MD, DSc; Public Health Researcher at Fiocruz, former Executive-Director of UNITAID, former Member of the UN Secretary-General High-Level Panel on access to Medicines

Katrina Perehudoff MSc LL.M PhD, Post Doctoral Research Fellow, Dalla Lana School of Public Health, University of Toronto, Canada, Post Doctoral Assistant ('doctor assistant'), Department of Public Health & Primary Care, Ghent University, Belgium

Lilianne Ploumen, Member of Parliament, PvdA Spokesperson for Foreign Affairs, Curative care and She Decides

Luc Denys, Belgium, jurist, retired J & J

Luis Villarroel Director, Corporacion Innovarte, Ex Miembro Tribunal Propiedad Industrial de Chile

Luz Marina Umbasia Bernal, GHP Corp.

Manuel Becerra Ramírez, Universidad Nacional Autónoma de México

Marcel Canoy, economist, Erasmus School of Accounting and Assurance

Oscar Lizarazo-Cortés, Universidad Nacional de Colombia-Sede Bogotá

Paul Fehlner, President & CEO, reVision Therapeutics, Inc.

Peter B. Bach, MD, MAPP, Director, Center for Health Policy and Outcomes, Memorial Sloan Kettering Cancer Center

Prof. Brook K. Baker, Northeastern U. School of Law, Program on Human Rights and the Global Economy, and Senior Policy Analyst, Health GAP

Prof. Dr. H.D. Banta, former director of the Health Program US Congressional Office of Technology Assessment and former Deputy Director of the Pan American Health Organization

Prof Dr Hans V. Hogerzeil, em.Professor of Global Health, University Medical Centre

Groningen.

Professor Paulo D. Picon MD, PhD, Full Professor of Internal Medicine, Universidade Federal do Rio Grande do Sul, Brazil

Rafael Pérez Miranda, Universidad Autónoma Metropolitana

Sol Terlizzi, Academic Coordinator, Master in Intellectual Property, FLACSO Argentina

Suerie Moon, MPA, PhD, Co-Director, Global Health Centre, Graduate Institute of International and Development Studies, Geneva

Tony Quinones, Bright Path Laboratories, Inc.

Yannis Natsis, Management Board member, European Medicines Agency

The Letter from Carlos Alvarado Quesada, Presidente de la República, Costa Rica, and Daniel Salas Peraza, Ministro de Salud, Costa Rica, is available here

(<https://www.keionline.org/wp-content/uploads/President-MoH-Costa-Rica-Dr-Tedros-WHO24March2020.pdf>). A press release from the President is available here

(<https://www.presidencia.go.cr/comunicados/2020/03/costa-rica-propone-a-oms-facilitar-condiciones-de-acceso-a-tecnologias-para-combatir-covid-19/>). A Spanish translation of our letter is available here

(<https://docs.google.com/document/d/185y0v9F3fYIUb4hi1QUgqweKbYugPzkUbJJ4CHd8A9E/edit?usp=sharing>).

Additional commentary on the Costa Rica proposal to the WHO from the following persons who signed the letter on behalf of organizations or in their personal capacity.

Gregg Alton, former Chief Patient Officer Gilead Sciences, Inc.

“There has never been a more appropriate time to pool together our knowledge and resources, including IP, know-how and research, against a disease as there is now. This can be done in a way that respects and rewards everyone’s contributions and investments and that improves our ability to advance science toward combating this pandemic.”

Paul Fehner, President & CEO, reVision Therapeutics, Inc.

“We need to act on Costa Rica’s proposal and immediately deploy the world’s intelligence and energy against COVID-19 if we are to avoid the worst outcomes.”

Brook K. Baker, Senior Policy Analyst, Health GAP (Global Access Project)

“This is a very important first step in the effort to hardwire open science to accelerate the research, development, and registration of new COVID-19 medical technologies. The technology pool will also help overcome intellectual property exclusivities to ensure rapid scale-up of equitable, worldwide access to new vaccines, medicines, diagnostics, and medical devices needed to tackle the pandemic. These open science and global access principles need to be inserted into funding agreements as soon as possible and all parties with IP rights that might interfere with rapid scale-up of all available manufacturing capacity must pool their rights urgently.”

Thiru Balasubramaniam, Geneva Representative, Knowledge Ecology International

“As we crash into this dystopian nightmare unleashed by Covid-19, the coronavirus pandemic forces the international community to pause, and then press reset. The Government of Costa Rica has stepped into the breach with its timely proposal for the World Health Organization, under the helm of Dr. Tedros, to establish a Covid-19 Technology Pool. The Covid-19 response is the ultimate crucible of our generation. We must not fail.”

Heidi Chow, Senior Policy Manager, Global Justice Now

“We call on the UK government to support the Costa Rica proposal to ensure universal access to any Covid-19 vaccine and treatment as well as open access to the research and data. This is not the time for locking-up research and technology just to protect corporate profit. The world is watching and is demanding global solidarity. All governments need to step up and demonstrate the leadership needed to put public health over corporate profiteering.”

**Jennifer Cohn, MD MPH, Assistant Professor, Division of Infectious Diseases,
University of Pennsylvania School of Medicine**

“Costa Rica’s proposal to create a Covid-19 technology pool is critical during a fast moving pandemic like COVID-19. We need all hands on deck and we need to break down any barriers to information sharing and innovation so we can rapidly develop, test and provide access to beneficial medical products to populations as widely and quickly as possible. ”

Patrick Durisch, Health Policy Expert, Public Eye

“Lessons should be learnt from past flu pandemics, we need a global solution that goes beyond national preferences to respond effectively to the current coronavirus crisis. With the Geneva-based WHO and Medicines Patent Pool as well as many other leading actors in these fields, Switzerland has the opportunity to host a global solidarity mechanism enabling quick and equitable access for COVID-19 medical technologies worldwide”

Tabitha Ha, Advocacy Manager, STOPAIDS

“STOPAIDS urge the UK and other governments to support the proposal submitted by Costa Rica. An effective global response to COVID-19 requires governments to work more closely together across borders, not further apart. It requires leaders to take firm actions that prioritise public health over corporate profiteering. This proposal will help speed up research and ensure that everyone will be able to access the diagnostics, vaccines and medicines that are so desperately needed.

Dr. Andrew Hill, Honorary Visiting Senior Research Fellow, University of Liverpool

“Most of the drugs being tested against coronavirus could be mass produced very cheaply. We need to make sure anyone can access these new drugs. Price should not be a barrier to access in any country”.

James Love, Director, Knowledge Ecology International

“If we ignore the current and evolving intellectual property rights on COVID-19 related tests, drugs and vaccines, including patents and rights in data, reagents, cell lines and know-how, it can be very difficult to address these issues later. This is a moment for action, waiting makes it more difficult. It is important to start with short and simple clauses in R&D funding agreements, that provide for the option to assign rights to the pool. The exercise of those options, and the implementation of the pool, will take time. The agreement to provide for the option to make assignments can and should be done now, before funding agreements are signed. If people are serious about fighting this health and economy destroying pandemic, this is essential. Act with foresight now to avoid regret with hindsight later.”

Diarmaid McDonald, Lead organiser Just Treatment

“This coronavirus is ending lives, destroying families, overwhelming health systems and devastating economies. There’s never a good time to put self-interest ahead of the global public good, but this must surely rank as amongst the worst. Governments, research institutions and pharmaceutical corporations must urgently pool their resources and knowledge for the good of humanity. Simply put, failing to collaborate will kill.”

Peter Maybarduk, Access to Medicines Director, Public Citizen

“Everyone into the pool, now. Corporations and governments urgently must commit their resources, their science and tech, to accelerate the production of new and better medical tools.”

Natalie Rhodes, European Coordinating Committee, UAEM

“There has never been such a global health issue that has felt so local and individual. During this time we must demonstrate global solidarity, now is not the time for nationalistic, protectionist and capitalist measures. In that sense, pooling all our resources and knowledge as proposed by Costa Rica is exactly what we need during this time. Public research institutions in particular should see this as an opportunity to rethink IP exclusivity to ensure that advances in scientific innovation should benefit all of us indiscriminately. We need good governance, transparency, availability, affordability, accessibility and solidarity.”

Yannis Natsis, Management Board member, European Medicines Agency (EMA)

“Now is the time for collaboration and openness, not competition and secrecy. The Costa Rican proposal offers companies the chance to revalidate their social contract with patients. Besides, companies love to talk about partnerships. This is their chance to turn words into actions”.

Jaume Vidal, Senior Policy Advisor, European Projects, Health Action International

“Once again, Costa Rica shows leadership at a time when others have demonstrated incertitude and shows us what can be achieved when public health is put at the top of the political agenda. Current imbalances in access to global health technologies are a source of pain for millions, and the Covid-19 pandemic draws that into sharp focus. WHO has the moral obligation to address imbalances in access to global health technologies by making it easier and faster for medical innovations to reach those in need. A technology pool framed within the global response to COVID-19, as proposed by Costa Rica, should be welcomed by WHO secretariat and Member states. When the global struggle against Covid-19 has passed, let’s ensure we reflect on the mechanisms that have helped provide affordable and accessible access to health all in need, because one thing is clear, the current system is failing us.”

Luis Villarreal Villalón, Director, Corporación Innovarte, Ex Miembro Tribunal Propiedad Industrial de Chile

“Costa Rica’s proposal is a smart and badly needed initiative to promote and organize international collaborative work towards fighting a death sentence for hundred of thousands of persons around the world and economic ruin for millions. Sharing knowledge and data available, as well mapping needs and compromising resources for research, as well as opening results is common sense and a duty for governments and industry alike, and no doubt WHO is the best agency to lead it.”

Aidan Hollis, President of Incentives for Global Health and Professor of Economics, University of Calgary

“A virus can spread around the world fast. Knowledge can travel even faster, but only if the science is open. We need international cooperation and the structure to support fair access to the products that can help everyone to be safe.”

Sun Kim, M.S., Ph.D., Director, Health Policy Research Center, People’s Health Institute (PHI) South Korea. Regional coordinator, People’s Health Movement (PHM) South East Asia & Asia Pacific (SEAP)

“The current lack of access to diagnostic tests in many countries is largely due to the lack of sharing of the rights in the data, knowledge, and technologies, especially with regard to the reagents.”

Ellen ‘t Hoen LL.M PhD, Director, Medicines Law & Policy

“I wholeheartedly support the proposal by Costa Rica to create a global pool for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the Covid-19 pandemic. This is a time for solidarity and sharing. The sad reality is that conflicts are breaking out over access to essential know-how. Significant public funding is poured into the developments of tools for prevention and treatment. I cannot imagine a more urgent situation for the world to come together and make the Covid-19 technology pool a reality.”

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■ Access to Medicine (<https://www.keionline.org/category/access-to-medicine>), Government Funded research (<https://www.keionline.org/category/government-funded-research>), Intellectual Property Rights (<https://www.keionline.org/category/intellectual-property-rights>) 📁 Carlos Alvarado Quesada (<https://www.keionline.org/tag/carlos-alvarado-quesada>), coronavirus (<https://www.keionline.org/tag/coronavirus>), Costa Rica (<https://www.keionline.org/tag/costa-rica>), COVID-19 (<https://www.keionline.org/tag/covid-19>), Daniel Salas Peraza (<https://www.keionline.org/tag/daniel-salas-peraza>), Dr. Tedros Adhanom Ghebreyesus (<https://www.keionline.org/tag/dr-tedros-adhanom-ghebreyesus>), WHO (<https://www.keionline.org/tag/who>)

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