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OPINION | COMMENTARY

Patent Busting Won't Help Vaccinate the World Faster

The solution is to ease restrictions on exporting shots and build more production capacity.

By Luciana Borio and Scott Gottlieb

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A worker prepares Covid-19 vaccines for shipment in Olive Branch, Miss., Dec. 20, 2020.

PHOTO: PAUL SANCYA/POOL/SHUTTERSTOCK



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While the U.S. Covid pandemic has been contained, the situation in many countries, particularly India, is dire. It's essential to get as much of the world vaccinated as quickly as possible to save lives and prevent new variants from emerging. The Biden administration's support for breaking vaccine patents is a bad precedent that would do no immediate good and substantial long-term harm.

There isn't enough vaccine supply to meet world-wide demand. Many countries have access only to inferior vaccines produced in Russia or China. Understandably, they want

the same safe and effective vaccines that are available to Americans. By the end of 2022, U.S. manufacturers will produce more than 12 billion doses of high-quality vaccines, enough to satisfy global needs. And other vaccine candidates are in the pipeline and may be authorized over the next year. But over the next six months, global supply will remain tight.

 OPINION: POTOMAC WATCH



Biden Wants to Trample Covid-19 Vaccine Patents



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The Biden administration caved to pressure at the World Trade Organization to support waiving intellectual-property protections for Covid vaccines. Some activists have declared victory, even though patent breaking wouldn't solve the immediate problem and could make a global agreement much more difficult. France, Germany and the U.K. all oppose the idea, and the WTO should reject it. Here are four productive steps the developed world could take instead:

First, the U.S. government should stop hoarding doses and make them available for export. Some of the biggest vaccine makers have shown that their manufacturing is stable and growing. The supply chain is reliable, and the U.S. doesn't need to stockpile hundreds of millions of doses. More can be made available on a rolling basis to countries like India and Brazil.

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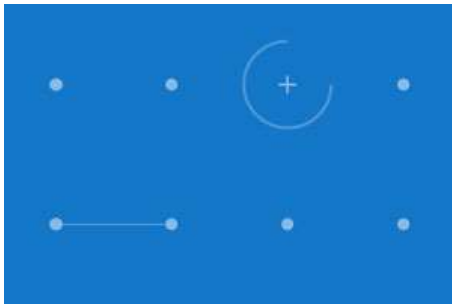
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Second, countries that produce quality vaccines such as Belgium, France, Japan, Australia and the U.K., to name only a few, should invest in a major expansion of manufacturing facilities and the attendant supply chain, in return for a guarantee that a high percentage of the vaccines that flow from these efforts go to low- and middle-income nations. This would secure stable production and guarantee a steady supply of high-quality vaccines for vulnerable nations.



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Third, the U.S. should work with the World Health Organization to deal with legitimate liability concerns from U.S. manufacturers that donate vaccines to low-income nations. Companies are worried about being sued by all manner of individuals all over the world. Patients need recourse if they're harmed, and vaccine companies need some backstop on unbounded liabilities. This could take the form of a compensation system for injuries, overseen by the World Bank. Similar measures are in place for manufacturers that make doses available to Americans under an emergency-use authorization.

Finally, American drug makers can work with existing vaccine manufacturers in middle-income nations such as Brazil and South Africa. Some of these countries may be able to expand their capacity to take on international "fill and finish" capacity, receiving vaccines in bulk and placing them in smaller vials for distribution, the insufficiency of which could otherwise become a bottleneck. These kinds of tech transfers could take time—at least six months and probably a year or longer—and would need to be started in short order.

All these steps depend on a global agreement to protect intellectual property. The proposal to suspend portions of the WTO's agreement on intellectual property has long been sought by China as a way to pirate Western intellectual property legally. Drug makers can work exclusively with leaders in the European Union to put together a package that would address immediate and long-term needs of lower-income nations while continuing to protect intellectual property, which is vital to the development of future vaccines and therapies.

Many nations are still suffering deeply from Covid-19. There's no time to waste on symbolic measures that set a poor precedent and don't solve the crisis.

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