

Thursday, July 16, 2020

OPEN LETTER TO HEADS OF STATE AND GOVERNMENT LEADERS

**Working Together to Discover and Deliver
Innovative and Creative Solutions to the Pandemic's Challenges**

Dear World Leaders,

The undersigned business associations commend you and your governments for your leadership in addressing the devastating COVID-19 pandemic that continues to claim lives and threaten livelihoods in our economies and around the world. We urge you to continue to promote and maintain the policies necessary to support timely and effective development and delivery of innovative and creative solutions to this pandemic.

The businesses we represent have been instrumental in supporting and enabling the worldwide response to COVID-19. Firms small and large have mobilized enormous resources and diverted funding and human resources away from other activities to quickly accelerate the research, development and manufacture of protective equipment, advanced diagnostics, disinfection products, medical devices and potential treatments and vaccines. They made peer-reviewed research and data widely available and provided informational, educational, and other creative content to people and their families in times of heightened need. They maintained and enhanced the communications technologies that enable billions to stay connected and productive. Firms of all sizes have assumed great business risk with no assurance that they will be able to recoup this extraordinary expenditure of time and resources.

Businesses are tackling these tasks in close collaboration with many other private and public stakeholders. Governments, universities, foundations, non-profit entities and the private sector are working together and sharing information in a spirit of solidarity and common purpose. Winning the fight against COVID-19 will continue to require all-of-society approaches in which all stakeholders do their part and in which none can succeed on their own. New initiatives, programs, calls to action, or any other steps that exclude or are not developed with the meaningful participation of the private sector will inevitably be less successful.

According to various models which predict the future economic outlook, we are almost certainly entering a period of slowing growth and possibly a recession in many parts of the world. As we have already set forth, it is only through sustained investment in R&D that can enable us to beat the health and economic aspects of the pandemic. To accelerate our economic recovery and find our way back to global growth and job creation, we respectfully call on governments to ensure all policies are innovation-inducing. This means – amongst other, aligned policies – the further fostering of an R&D ecosystem based on a stable intellectual property regime, targeted incentives for unmet medical needs, qualified scientific staff, research- and innovation-inducing tax systems and strong public research institutes.

Effective protection of patents, trademarks, trade secrets and copyrights has enabled the rapid private sector response to the pandemic. Clear, transparent and predictable intellectual property rules are facilitating collaboration between private sector researchers, universities and national laboratories on hundreds of potential COVID-19 treatments and vaccines. These protections will be essential to support the rapid manufacturing and distribution of safe and effective treatments and vaccines when they are approved. Our members have pledged to work with governments and insurers to make approved treatments and vaccines available and affordable to all who need them.

Intellectual property systems are also facilitating COVID-19 solutions in other economic sectors. The creative and information industries have provided unparalleled access to entertainment and informational works to make work, education, life and leisure easier for everyone during this crisis. A well-functioning, copyright-based global licensing system is at the heart of this unprecedented and widespread availability of these works at a time of unparalleled demand for access to such works.

Our associations urge you to recognize the critical role effective intellectual property protections have played and will play in defeating the virus, in helping to drive economic recovery, and in enabling the private sector to make sustainable contributions to solving this crisis. We ask you to lead in maintaining and promoting those protections around the world. We further urge you to rally the world to urgent action to remove unnecessary supply chain barriers that are hindering the efficient distribution of COVID-19 technologies and could limit the timely approval

and delivery of future treatments and vaccines. We must not allow economic, regulatory, logistical and technical barriers to limit the reach of these solutions once available. Additionally, short-term measures enacted to protect public health during the pandemic should be evaluated in the broader context of how they impact the business environment.

Governments have an opportunity now to work closely with businesses to identify and remove obstacles to the swift approval and distribution of COVID-19 technologies, including unnecessary regulatory requirements, approval delays and barriers to the efficient distribution of needed materials like export bans, excessive stockpiling or allocation requirements, taxes and tariffs. Your governments and many others are already taking steps to maintain distribution channels and to prepare for the swift approval and distribution of safe and effective medicines and vaccines, recognizing that expedited regulatory pathways do not compromise our mutually held goal of ensuring we have safe and effective solutions. We hope you will encourage other governments to do the same.

To meet the challenge of rapidly scaling up manufacturing of COVID-19 countermeasures, governments should pursue policies that facilitate partnerships between private parties in the development, production and distribution of COVID-19 technologies. The unprecedented volume and progress of research and development collaborations demonstrates that intellectual property is already being licensed efficiently and expeditiously between private parties to advance the development and widespread deployment of COVID-19 treatments and vaccines. If needed, existing programs such as the Medicines Patent Pool (MPP) are sufficient to help facilitate the voluntary licensing of patented technologies. No new institution or body is required. The World Intellectual Property Organization, as the UN agency with technical expertise on intellectual property issues, must play an appropriate role in any existing voluntary patent licensing program, in addition to ensuring intellectual property policy coherence across the UN system.

Initiatives involving COVID-19 treatments and vaccines to respond to the pandemic that seek or would require private sector participation must be developed in consultation with businesses, and industry must be fully represented as a partner. Such arrangements should be limited to COVID-19 and flexible enough to adapt to different challenges in different countries. They should be time-limited to allow for adjustments as the threat from the pandemic evolves, have a clear

mandate, avoid confusion and overlap with other initiatives, and be supportive of the orderly, efficient, and sustainable dissemination of new anti-COVID-19 technologies.

We, the undersigned business associations and our member companies, look forward to continuing close partnership with you and your governments as we work together to help end this pandemic and return our economies to robust economic growth.

Yours respectfully,



U.S. CHAMBER OF COMMERCE