

Congress of the United States

Washington, DC 20515

April 13, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

We write to encourage your Administration to continue America's global leadership in promoting life sciences innovation that saves lives in America and throughout the world. Robust intellectual property (IP) policies drive scientific innovation, improve global health, foster U.S. economic growth, and drive a dynamic workforce comprised of millions of American jobs. That is why such policies have enjoyed longstanding bipartisan support. During these unprecedented times, American leadership in this area is even more pronounced, as U.S. companies leverage strong IP policies to deliver diagnostics, treatments, and vaccines to conquer the COVID-19 pandemic.

We have seen extraordinary collaboration and partnership between the private sector, governments, researchers, academia, and other organizations to deliver numerous COVID-19 treatments and vaccines in record time. IP rights have provided the necessary predictability and certainty for innovators to research, develop, and ultimately deliver these new treatments and vaccines to patients. These rights have ensured the rapid licensing and sharing of technology to accelerate research and manufacturing. Simply put, the fight against COVID-19 has highlighted that robust IP systems work. America's strong IP infrastructure has facilitated rapid access to cutting-edge technologies to combat COVID-19, including diagnostics, treatments, and vaccines.

Unfortunately, some longstanding opponents of IP have used the COVID-19 pandemic to try to weaken the exact policies that enabled the incredible global response. For example, India and South Africa are leading an effort at the World Trade Organization (WTO) to suspend critical and broad IP provisions of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. Supporters of the proposal have alleged, without evidence, that waiving these rights would result in large numbers of new manufacturers, particularly in the developing world, producing more vaccines.

As you have seen personally, the vaccine manufacturing process requires specialized experience, expertise, and equipment. Developing and manufacturing safe and effective COVID-19 vaccines on a global scale is a challenging and highly technical exercise. Indeed, there are only a few facilities in the world equipped to execute critical steps needed to manufacture mRNA vaccines.

Waiving IP rights will only frustrate ongoing efforts to produce and distribute safe and effective vaccines. The challenges to faster vaccine manufacturing are complex and relate to the technical and logistical barriers to rapidly and safely scaling-up production. To address these challenges, American companies are collaborating on an unprecedented scale to share resources and expertise to address supply chain issues and expand manufacturing capacity as quickly as possible. The misguided proposal before the WTO distracts from addressing these manufacturing issues and logistical hurdles, which constitute actual challenges to getting vaccines and therapeutics to people around the world.

The TRIPS Agreement and the 2001 Declaration on the TRIPS Agreement and Public Health have been negotiated by WTO member countries to strike an appropriate balance of protecting IP to encourage innovation while including defined flexibilities to allow all countries to respond to public health crises. We do not believe advocates for this proposal have provided any evidence that existing flexibilities are insufficient.

We also know that the U.S. industry and government must do their part to make sure vaccines are available to the developing world. To that end, the United States is providing significant support, including through the recently announced Quad partnership and to COVAX, to help address concerns about equitable access to COVID-19 vaccines, and we support ongoing work by governments and private companies that seek to address these issues.

We therefore encourage your Administration to make clear that the United States will continue its longstanding leadership in promoting strong IP protections internationally. If the United States, the world's most dynamic economy and greatest champion of IP and research-intensive industries, which support at least 45 million jobs here at home, fails to defend these rights, then we would lose vital research and development capacity needed to prepare for future pandemics and other health security threats. Ceding America's leadership on IP also would erode our country's significant advantages in biomedical research, opening the door to China and other countries that would gladly take advantage of free access to the fruits of U.S. R&D investments in order to supplant our nation's global leadership in innovative industries.

We stand ready to work with you to accelerate production and equitable global distribution of safe, effective, and affordable vaccines, without undermining key incentives for innovation.

Sincerely,



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Committee on Ways and Means



Kevin Brady
Ranking Member
Committee on Ways and Means



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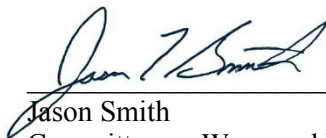
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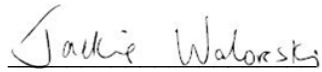
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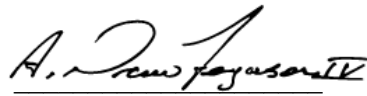
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