



STATEMENT

WHO Intergovernmental Negotiating Body (INB) intersessional briefing on the “Transfer of technology and know-how”

20 MARCH 2023 – The issues dealing with intellectual property and technology transfer are legal and technical matters. They must be dealt with by the competent institutions, in this case, the WTO and WIPO.

The WHO Zero Draft is peppered with articles – paragraphs relating to restrictions on intellectual property rights and technology transfer – that go beyond international best practices and the organization’s mandate and competency.

The Zero Draft presupposes that IP is and has been a barrier for an effective pandemic response. This is simply not the case, nor has there been any evidence to support this presumption. On the contrary, IP has enabled the development of several vaccines, therapeutics, and diagnostics to combat the pandemic and facilitated over hundreds of technology transfer partnerships for all healthcare products. Member States have also discussed on this very floor that incentives are needed to be in place to ensure continuous research. The Zero Draft ignores this discussion and evidence.

Furthermore, issues relating to trade, intellectual property, and technology transfer are currently being discussed at the WTO and WIPO.

We urge Member States not to duplicate efforts and waste precious time and resources in dual negotiations, which may run contradictory to each other, and to ensure that technical matters are dealt with by the correct and competent institutions. Furthermore, for a balanced and evidence-based discussion to ensure sound policy making to address future pandemic preparedness, we request Member States to engage with the users and holders of technology before breaking the very system that successfully delivered pandemic countermeasures in real time.