

## **PHM Statement on the 19<sup>th</sup> anniversary of Doha Declaration on TRIPS and Public Health**

WTO Member States adopted the historical Doha Declaration on the TRIPS Agreement and Public Health ([Doha Declaration](#)) on 14<sup>th</sup> November 2001. The Doha Declaration recognized the gravity of public health issues in developing and least-developed countries and reiterated the rights of WTO Member States to make use of the flexibilities in the TRIPS Agreement to promote access to medicines for all. The adoption of the Doha Declaration paved the way for the issuance of compulsory licenses in many developing countries to ensure access to medicines such as HIV/AIDS medications.

There is now an urgent need to address the availability and accessibility of medical products (including personal protective equipment, vaccines, medicines and diagnostics) for an effective response to COVID-19 pandemic. Many countries are financing big pharma companies for the innovation of medical products for COVID 19 responses. Medical products developed through public funding should be treated as global public goods and the companies undertaking research using public money should transfer the technology in a transparent manner to scale up production to ensure availability and accessibility across the globe. Multiple forms of IP protection especially copyrights, trade secrets, industrial design, and patents can legally prevent the dissemination of technology and scaling-up of local production.

PHM welcomes the joint proposal of India, Kenya, South Africa and Eswatini seeking a waiver from the TRIPS obligations concerning the protection and enforcement of copyright, trade secret, industrial design, and patent on COVID-19 medical products ([Waiver Proposal](#)) which is perfectly in line with the spirit and intent of the Doha declaration. Such a waiver will not only facilitate the availability and affordability of these medical products through local production but will facilitate speedy innovation of COVID19 medical products by enabling transfer of know-how.

Further, such a waiver will bring legal clarity concerning the policy space available to WTO Member States and encourage them to [remove the IP barriers preventing the local production](#) of COVID-19 medical products. In this context we recall that the Doha Declaration recognized that, *“TRIPS Agreement does not and should not prevent Members from taking measures to protect public health.”*

We call upon all the WTO Member States to uphold the spirit of the Doha Declaration and support the adoption of the Waiver Proposal. We strongly urge those WTO Member States, who are opposing the adoption of the Waiver Proposal, not to hold peoples' lives at ransom for the protection of corporate profit.

We call upon individuals, social movements and civil society organisations to endorse and support the statement and [actively advocate](#) with their governments for the adoption of the TRIPS Waiver proposal. Please send your endorsements to [prasanna@phmovement.org](mailto:prasanna@phmovement.org) by 18<sup>th</sup> November.

**Name of Individual/Organisation**

**Country**