

Liberalization of COVID vaccine patents

By Bernabé Zea

The COVID pandemic is taking a huge toll on lives, resources, and social and economic repercussions. Its entire management is more full of shadow than light, and many times the decisions have been made thinking more about public opinion than about their effectiveness.

Despite everything that is being said, with the data in hand, it is impossible to deny that it is precisely pharmaceutical research and production that has been above expectations.

In a year, effective and safe vaccines have been developed for the prevention of the disease. To achieve this, the way vaccines were developed had to be changed, from sequential execution of the different stages to carrying them out in parallel, in order to reduce the time for their authorization.

It has also been possible to increase the level of production in an unthinkable way. The large pharmaceutical industry has announced in recent days that it is ready to prepare 12,000 M doses per year, which is what is needed to achieve group immunity worldwide.

This number represents tripling the global manufacturing capacity, and it has only been possible through a huge number of agreements between different companies, including the suppliers of raw materials and the companies that provide their facilities for the manufacture of the new vaccines.

From a technical point of view, the pharmaceutical industry is already offering the necessary tools to effectively and globally fight the pandemic. In this situation, it is surprising that the possibility of releasing or suspending patents is now being announced.

Thus, if it is not a technical necessity, an explanation for patent liberalization would be to pass on to the pharmaceutical industry a significant part of the economic cost that the development of vaccines has entailed. It makes little sense that this economic effort falls on the pharmaceutical companies and, furthermore, due to an imposition not agreed with them. Obviously, this does not mean that the final prices of vaccines should not take into account the significant public aid that companies have received for the development of vaccines.

The confiscation of patents, the most important asset of the pharmaceutical industry, would break the system that society has given itself to promote technological advance: a temporarily limited exploitation monopoly in exchange for making inventions public through patents.

It is true that this measure could reduce the costs of vaccines in the short term, but, as the saying goes, it could be bread for today and go hungry tomorrow.

Once these assets were confiscated, what incentive would the pharmaceutical industry have to investigate a cure for potential new pandemics? What incentives would companies have to continue researching the new COVID vaccines that are now in development? What incentive would the industry have to adapt current vaccines to potential new COVID variants that are not prevented by current formulations?

On the other hand, patents without the associated know-how are not easy to implement. Forcing companies to hand over their know-how, non-public information, is unthinkable. And new facilities would also be required for the manufacture of vaccines, different from those that the large pharmaceutical industry is already using or plans to implement.

In short, an imposition on pharmaceutical companies for the transfer of their technology to third parties, instead of reaching an agreement with them, would only mean a delay in the current manufacturing capacity and possibly a decrease in the quality of the vaccines.

The alleged liberalization of patents would be a problem rather than a solution. In my opinion, the declarations that the governments are making in this regard are only a matter of image promotion that will ultimately come to nothing, or most likely add a new stain on the reputation of pharmaceutical companies, to which no one seems to give credit for the achievement of the large-scale development and manufacture of vaccines.

Finally, the first world should analyse its conscience. COVID has so far accounted for about 3.5 million deaths. According to the FAO, the annual death toll from hunger is close to 4 M people; and, according to the WHO, in 2019 1.4 million people died from tuberculosis, a disease that has treatment at a very low cost. There are many other diseases that kill hundreds of thousands of people, but that do not arouse interest due to their little or no affectation in the first world.

There is no doubt that we have the means to end these deaths, but unfortunately there is not a strong enough political will to do so. What degree of solidarity has Europe or the United States shown in the fight against COVID when, instead of making a global plan of action, it seems that they have been mainly concerned with obtaining vaccines for their citizens? How can we ask the pharmaceutical industry for solidarity if the governments of the first world do not show it with the third world? It is a pity that an initiative like COVAX does not have much more support from the richest countries to achieve better management of the pandemic worldwide.

In short, these statements seem more like a political marketing operation to hide failures in the management of the pandemic, rather than a genuine search for a solution to the problem.