May 9, 2022

Dear Ambassador Tai,

The undersigned U.S. health, labor, human rights, consumer and faith organizations write to express our deep concern with the text introduced in the TRIPS Council on May 3, 2022 that has been put forward as an alternative to the proposed waiver of World Trade Organization (WTO) intellectual property (IP) barriers for COVID-19 medical tools. We urge the U.S. and other WTO Member States to reject this text and negotiate a true TRIPS waiver instead.

Americans and people around the world continue to suffer not only preventable deaths and long-term health consequences, but also disruptions to economic activity and global supply chains, along with the perpetual threat of deadlier or more disruptive variants.

We need every possible tool to overcome barriers and improve equitable access to COVID-19 medical products. A year and a half ago, India and South Africa first introduced a proposal that has since earned the support of more than 100 countries, including 63 formal cosponsors, to actually suspend the TRIPS Agreement’s barriers to equitable and affordable access to COVID-19 vaccines, treatments and tests. That proposal should be the starting point for negotiations at the WTO.

In contrast, the newly-introduced text would not suffice to improve access to lifesaving COVID-19 medical tools due to four key concerns:

1. **Does not waive IP barriers**: The proposed text does not waive patent obligations and leaves in place WTO-imposed IP barriers related to trade secrets and undisclosed information that can impede the expansion of vaccine production.

2. **Exclusion of tests and treatments**: The proposed text only covers vaccines, excluding tests and new treatment options that represent crucial lifesaving tools especially given waning vaccine immunity and the continuous high rate of infections and reinfections. As President Biden himself has said that testing and treatments are critical at this stage of the pandemic, it is time for the U.S. to support inclusion of all COVID medical tools in a comprehensive waiver.

3. **Exclusion of some countries**: The eligibility criteria in the proposed text are not fit for the purpose of addressing a global public health crisis like COVID-19. They are a major step backward and undermine global efforts to effectively scale up production and distribution of COVID-19 medical tools.

4. **Introduction of new “TRIPS-plus” burdens**: The proposed text restates existing WTO rules and “flexibilities” that have thus far failed to improve access to COVID-19 medical tools while
introducing unnecessary new burdens on eligible Member States seeking to use these flexibilities. This includes impractical new requirements to identify all “necessary” patents and excessive WTO notification requirements for the issuance of a compulsory license. Any introduction of new TRIPS-plus measures is inappropriate for a mechanism designed to ease the process of improving supply and access to medical tools in a public health crisis.

WTO Member States should refuse any final text that does not address these four key elements and should urgently deliver a waiver that can help ensure that all countries are equipped with the tools needed to save lives and bring the pandemic under control.

Sincerely,

A Well-Fed World
Adrian Dominican Sisters Portfolio Advisory Board
Agricultural Justice Project
Alliance for Democracy
American Federation of Teachers
American Friends Service Committee
American Indian Mothers Inc.
American Jewish World Service
American Medical Student Association
Americans for Democratic Action (ADA)
Americas Program AMERICAS.ORG
Amnesty International USA
Association of Concerned Africa Scholars (USA)
Association of Western Pulp and Paper Workers
AVAC
Be a Hero
Body Politic
Border Agricultural Workers Project
Center for Law, Information, and Creativity, Northeastern U. School of Law
Center for Science in the Public Interest
Citizens Trade Campaign
Climate Crisis Policy
CODEPINK
Colombia Support Network
Community Food and Justice Coalition
Debs-Jones-Douglass Institute
Democratic Messaging Project
Disruption Project
Doctors for Global Health
Doctors Without Borders/Médecins Sans Frontières (MSF)
Drugs for Neglected Diseases initiative (DNDi)
EcoEquity
Environmentalists Against War
Ethix Ventures
Evangelical Lutheran Church in America
Fair World Project
Family Farm Defenders
Fight for the Future
Focus on the Global South
Foundation for Integrative AIDS Research (FIAR)
Free Speech for People
Global Action to Prevent War and Armed Conflict
Global Citizen
Global Exchange
Global Justice Institute of Metropolitan Community Churches
Greenpeace USA
Health Alliance International
Health Global Access Project (Health GAP)
Holy Cross International Justice Office
Hope Border Institute
Human Rights Watch
Institute for Agriculture and Trade Policy
Institute for Policy Studies - Global Economy Project
Interfaith Center for Corporate Responsibility (ICCR)
Interfaith Service to Latin America
InterReligious Task Force on Central America
Jewish Voice for Peace Health Advisory Council
Jobs With Justice
Justice is Global
Latin America Working Group (LAWG)
Legacy of Equality and Leadership in Organizing (LELO)
Local Majority
Marked By COVID
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S.
Move To Amend
MoveOn
National Consumers League
National Organization for Women
Network in Solidarity with the People of Guatemala (NISGUA)
Network Lobby for Catholic Social Justice
Nicaragua Center for Community Action
Other98
Oxfam America
Partners In Health
Peace Action
People’s Climate Innovation Center at Movement Strategy Center
Physicians for a National Health Program
Popular Resistance
Presbyterian Church (USA)
Progressive Change Campaign Committee
Progressive Doctors
Public Citizen
Rainforest Information Centre
Revolving Door Project
Right to Health Action
RootsAction.org
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Saint Elizabeth
Sisters of Charity, BVM
Social Security Works
Sojourners
T’ruah: The Rabbinic Call for Human Rights
Task Force on the Americas
The Campaign to End COVID Now
The Democracy Collaborative
The Episcopal Church
The New 21st Century Movement Association
The Oakland Institute
The United Methodist Church - General Board of Church and Society
Trade Justice Alliance
Trade Justice Education Fund
Treatment Action Group
United Church of Christ, Justice and Local Church Ministries
United Electrical, Radio & Machine Workers of America (UE)
US-Africa Bridge Building Project
Veterans For Peace
Watch Democracy Grow
Women’s International League for Peace and Freedom US

350 Seattle
A & A Ins. Svcs
Africa Faith and Justice Network (AFJN)
AFT CT
AFT Washington
Alliance for Democracy - Oregon
American Friends Service Committee, Colorado
Appetite for Change
Austin Tan Cerca de la Frontera
BerniePDX
Boulder Area Labor Council, AFL-CIO
California Trade Justice Coalition
Casa Baltimore Limay
Centro Fronterizo del Obrero (dba) La Mujer Obrera
Chicago Women’s AIDS Project
Church Council of Greater Seattle
Coalition of Seattle Indian Americans
CODEPINK Greater Dallas
Community Alliance for Global Justice
Community Services Unlimited Inc.
Dallas Peace & Justice Center
Democracy Works
DSA North Texas
Earth Action, Inc.
Esperanza Peace and Justice Center
Food for Maine’s Future
Fox Valley Citizens for Peace & Justice
Georgia Positive Psychology & Healing Arts
Harris County Medicare for All Coalition
Health Care for All Oregon - Action
HIV + Aging Research Project--Palm Springs
Intercommunity Justice and Peace Center
Interfaith Welcome Coalition - San Antonio
International Trade Education Squad - Park Slope Food Coop
Kickapoo Peace Circle
Lampasas County Democratic Party
Metro New York Health Care for All
Milwaukee Fair Trade Coalition
MSEA-SEIU Local 1989
New Hampshire Conference United Church of Christ, Economic Justice Mission Group
New Jersey Tenants Organization
New York Trade Justice Coalition
Northwest Coalition for Responsible Investment
Occupy Bellingham
Occupy Bergen County
Oly-wa.us
Oregon Physicians for Social Responsibility
Oregon Progressive Party
Our Revolution Ohio
Our Revolution North Texas
Our Revolution Texas
Pax Christi El Paso
Peninsula Peace & Justice Blue Hill Maine
Pennsylvania Council of Churches
PODER
Portland Central America Solidarity Committee (PCASC)
Progressive Democrats of America-Tucson
PSR Arizona
Santa Cruz Climate Action Network
SEIU Healthcare Minnesota & Iowa
Solidarity Committee - Capital District
Southern Maine Workers Center
Texas Environmental Justice Advocacy Services
Texas Fair Trade Coalition
The People’s Lobby
Trade Justice New York Metro
UPTE CWA
UUFHCT
Veterans For Peace Chapter 106, North Texas
Washington Fair Trade Coalition
WESPAC Foundation, Inc.