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CANADIAN CENTRE
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The Honourable Mary Ng
Minister of Small Business, Export Promotion and International Trade

The Honourable François-Philippe Champagne
Minister of Foreign Affairs

November 19, 2020

Dear Ministers Ng and Champagne,

We are writing to urge the Canadian government to support the WTO proposal from South Africa and India for a “Waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19.” The waiver will be discussed for a second time at an upcoming TRIPS Council meeting. We are troubled that Canada did not strongly support the waiver proposal when it was first raised at the WTO in October.

The COVID-19 pandemic is an unprecedented global health emergency. The crisis continues to escalate, and the impacts of the pandemic among the world’s poor and vulnerable communities—especially in the global south—have been profound. As [global health experts](#) warn, “Only if we end the pandemic everywhere can we end the pandemic anywhere.”

The proposed temporary waiver will enable the WTO’s 160-plus member governments and the global scientific community to concentrate fully on the urgent task of developing and distributing new diagnostics, vaccines, medicines and medical supplies, without fear of becoming entangled in litigation under TRIPS.

Canada’s own COVID-19 legislation, Bill C-13, authorized the temporary suspension of patents and trade secrets to respond to shortages and protect public health. The proposed TRIPS waiver would guarantee similar flexibility to all countries. Countries without manufacturing capacity for medicines are particularly vulnerable to shortages of affordable therapeutic products.

The existing flexibilities in the TRIPS, while important, are not sufficient, given the scale and urgency of the crisis. These operate on a country-by-country, product-by-product basis and are too slow to be effective.

For example, TRIPS rules enabling parallel importing—where medicines manufactured in one country are exported under licence to another country without domestic manufacturing capacity—are far too cumbersome to use. As you are aware, Canada is one of the few developed countries to enact legislation authorizing production for export under foreign compulsory licences, but despite efforts to do this (notably by Doctors Without Borders to send anti-retroviral drugs to Rwanda) the facility has never been successfully used.

Vulnerable populations need timely, dependable and uninterrupted access to affordable medicines, treatments and supplies. They should not have to rely on ad hoc, charitable arrangements by pharmaceutical companies or governments in wealthy countries. It is also imperative to avoid more of the cutthroat competition for supplies of vaccines and treatments that the world experienced with medical supplies and personal protective equipment in the early stages of the pandemic.

We realize that intellectual property rights are not the only impediment to equitable access for all to COVID-19 treatments, vaccines, and medical supplies. But it is well documented that existing TRIPS obligations that create patent monopolies and data secrecy restrictions impose significant barriers to the rapid development of and affordable access to diagnostics, medicines and treatments.

For the duration of the pandemic, at least, these barriers should be removed. All countries around the world should be able to make rapid use of the knowledge generated by COVID-19 research, much of which, in the case of vaccines, is supported by public financing and governments' advanced market commitments.

We call on the Canadian government to support the TRIPS waiver initiative as a signal of its solidarity with efforts to strengthen global public health, and especially the health and well-being of the most vulnerable.

A truly internationalist and co-operative response will better protect us all, while helping to restore faith in multilateralism.

Yours truly,



Erika Shaker
CCPA National Office Director



Scott Sinclair
Senior Researcher, CCPA

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The Honourable Judy Sgro, Chair of the Standing Committee on International Trade and Member of Parliament for Humber River–Black Creek

Tracy Gray, Member of Parliament for Kelowna–Lake Country

Simon-Pierre Savard-Tremblay, Member of Parliament for Saint-Hyacinth–Bagot

Daniel Blaikie, Member of Parliament for Elmwood–Transcona

Paul Manly, Member of Parliament for Nanaimo–Ladysmith