

November 23, 2020

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

The Honourable François-Philippe Champagne
Minister of Foreign Affairs

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.”

As faculty members in the International Development Studies Program at Saint Mary's University and researchers in international development, we are deeply concerned that Canada did not support the waiver proposal when it was raised at the WTO in October and November 2020. We very much hope Canada will change its position and support it.

The proposed waiver would grant WTO members the right to not have to implement, apply or enforce certain obligations related to COVID-19 products and technologies under Section 1 (copyrights and related rights), 4 (industrial design), 5 (patents) and 7 (protection of undisclosed information) of Part II of the TRIPS Agreement. If granted, the waiver would allow WTO member countries to choose to neither grant nor enforce patents and other IP related to all COVID-19 drugs, vaccines, diagnostics, and other technologies, including masks and ventilators.

The waiver would apply only to COVID-19 measures, and would provide all countries, especially middle- and low-income countries, and countries without substantial manufacturing capacity for medicines, with the policy tools required to meet this unprecedented global pandemic. It would allow countries to make rapid use of new knowledge around vaccines, research and development, and manufacturing of needed medicines and equipment, and facilitate the urgent need to scale up the supply of public health tools without fear of punishment from WTO litigation.

While the TRIPS agreement does have some flexibilities to safeguard public health that can be drawn upon, the process is limited, time-consuming, costly, and based on a

“case by case” and “product by product” basis that is not efficient nor broad enough to meet the urgent needs of the global pandemic.

Evidence has only begun to emerge of the barriers posed by IP protections to a fair and just response to the global pandemic, and we fear matters could get worse in the coming months if steps are not taken to ensure equitable access to needed new diagnostics, vaccines, medicines, and medical supplies. As one example, highlighted by [Médecins sans frontières \(MSF\)](#), in March 2020 in Italy, when a manufacturing company was unable to produce sufficient ventilator valves, two engineers were able to reverse engineer the valves and produce them on a 3D-printer. The printed valves cost around \$2-3 each, compared to \$11,000 per valve charged by the manufacturer, and helped to save many lives. Since then, the engineers have not been able to share the digital print more widely due to possible legal and medical issues.

As researchers in international development studies, we are acutely aware of the many global inequalities embedded in the global order and their negative, immediate, daily impacts on the health and well-being of the most vulnerable. The global COVID-19 pandemic has brought these inequalities even further to the fore and require bold and decisive action, based on international solidarity, cooperation, and social justice, to even begin to address this crisis.

The waiver put forward by South Africa and India is only one step that is required, but it is an important one that is urgently needed. We stand with [MSF](#) and their assessment that:

“The waiver proposal by India and South Africa presents an important opportunity for all governments to unite and stand up for public health, global solidarity, and equitable access through a concrete step at the international level that can provide an automatic and expedited solution to address IP and technology challenges collectively.”

We call on the Canadian government to support the TRIPS waiver initiative out of an urgent necessity to address this global public health crisis in a manner which supports human dignity, fairness, and justice for all.

Sincerely,

Dr. Gavin Fridell, Canada Research Chair in International Development Studies,
Acting Coordinator, International Development Studies, Saint Mary's University

Dr. Rohini Bannerjee (she), Associate Professor, French & Francophone Studies,
Modern Languages & Classics, Graduate Coordinator, International Development
Studies

Dr. Marc G. Doucet, Professor, Political Science, Saint Mary's University.

Dr. Kate Ervine, Associate Professor, International Development Studies, Saint Mary's University

Dr. Rylan Higgins, Associate Professor and Chair, Anthropology, Saint Mary's University

Dr. Karen McAllister, Assistant Professor, International Development Studies, Saint Mary's University

Dr. Sonja Novkovic, Professor, Economics and Academic director of the International Centre for Co-operative Management, Saint Mary's University

Dr. Evangelia Tastsoglou, Professor of Sociology and International Development Studies, Saint Mary's University

Dr. Henry Veltmeyer, Professor Emeritus, International Development Studies, Saint Mary's University