

## **There is a need for improvement, but where?**

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Covid-19 has brought contentious questions to the table. Of course, due to the request made by India and South Africa to temporarily suspend the application of all IP rights connected to the pandemic and for its duration, the TRIPS Agreement has been on the spotlights ever since. The two countries advocated for the so-called IP-Waiver, which has not succeeded more than one year later. It is puzzling when one takes the time to reflect on the positions assumed by political leaders worldwide. They are for or against it, only. Germany and France spoke out against it. Then, France changed its mind one day after the US declared its support to the proposal. But there are more than two main avenues at the end of the crossroads. TRIPS has flexibilities. It is the case of the compulsory licensing mechanism, which could have eased vaccine manufacture, but that has also not succeeded. Of course, it is not that simple to use such a mechanism. National rules need to encompass that possibility, and in practice, there must be qualified personnel and adequate facilities, especially for the mRNA and vector vaccines. While the flexibilities are inoperative, there are many (voluntary) licensing agreements in place around the world. Cases that might have been a negative response of the technology holder to set up a partnership deserve further investigation. What is wrong? Does the TRIPS Agreement need revision? Do the WTO member states need technical aid to improve their home legislation? Answers to those and other related questions shall be uncovered by extensive research developed through (a) exploration of the particularities of the licensing agreements in force, (b) investigation of reasons for the non-closed agreements, as well as (c) probation of the possible reasons why compulsory licensing a choice for certain countries was not.

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