

Pandemic treaty must ensure timely access to technology and know-how

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Thank you, co-chairs. We focus our remarks on issues related to technology transfer. Timely access to technology and relevant know-how is essential to pandemic preparedness and response and equitable access to pandemic products.

Voluntary agreements to achieve this, on mutually agreed terms, were always possible. The reality of Covid-19 however has shown that the will to share IP, technology and know-how by rights holders is very limited. Therefore additional action by governments is necessary and this needs to be reflected in the Agreement.

In this context, a clear statement - known as the peace clause - that parties will not exert any direct or indirect pressure on countries that use TRIPS flexibilities is essential should be included in Article 11.4.

Further, waiting until a pandemic emergency is at its height before sharing the information needed to produce countermeasures will neither help the world prepare for nor help to adequately respond to future outbreaks.

Thus we wish to underline the need for stronger language in Article 11 on sharing of technologies. In particular, 'government or publicly funded' technologies should be added to Art. 11.1(b); access to know-how should be added to Article 11.1 (f), and any ring-fencing of technology and knowledge sharing to periods of a pandemic emergency should be removed.

There are various ways in which transfer of technology can be incentivised. Member states should agree as a minimum to condition public financing for R&D that require technology and knowledge sharing with those capable of producing products needed to prevent or combat a pandemic. Thank you for your attention.

Medicines Law & Policy's previous statements to INB can be found here:

- 7 November 2024: [Transfer of Technology: New definition and stronger language needed](#)
- 5 November 2024: [Getting to a meaningful agreement: ML&P's opening statement to the 12th round of pandemic accord negotiations](#)
- 24 May 2024: [Continuing to ignore the problem of the know-how gap won't make it go away.](#)
- 26 April 2024: [The last mile: A few suggestions for the WHO Pandemic Agreement's last two weeks of talks](#)

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Webcasts of the open sessions of the INB can be found here: https://apps.who.int/gb/inb/e/e_inb-12-resumed-session.html