

**World Health Organization  
Seventh Meeting of the Intergovernmental Negotiating Body (INB)**

**Statement by the  
World Intellectual Property Organization (WIPO)**

Thank you, Co-Chair,

The World Intellectual Property Organization has been following closely the work of the WHO INB. We would like to thank the INB Bureau for drafting the negotiating text, for convening this session today and for providing us with an opportunity to comment. We would also like to thank all stakeholders who have provided their views so far.

While WIPO continues to review the negotiating text, the following preliminary observations on matters that fall within the scope of the WIPO mandate may assist Members in next steps of the INB process:

- WIPO continues to support recognition that any outcome from the INB process shall not affect the rights and obligations under other existing international agreements.
- Similarly, we continue to support language recognizing that the protection of IP rights is important for the development of new medical products and vaccines.
- On matters related to intellectual property and technology transfer, any international instrument designed to meaningfully contribute to pandemic prevention, preparedness and response must provide clarity to all actors within the innovation ecosystem, not only at the policy-making level but also for the users of the IP system - from public sector researchers to innovative industries, from investors to generic manufacturers.
- The existing international intellectual property framework is complex with many subtleties and nuances that guide how it works in practice.
- Some elements within the negotiating text that fall within the WIPO mandate would benefit from refinement if they are to be implemented with impact and to be operable in practice.
- Provisions that relate to the management of intellectual property to achieve policy objectives including through licensing and remuneration thereof should be clarified.
- A WIPO-commissioned study by an independent expert, Dr Frederick Abbott, on voluntary licensing during the COVID-19 pandemic was recently published. Starting from the premise of inequitable distribution, it uses case studies to examine the general IP and technology transfer framework. While the independent study recognizes the multiple factors affecting development, production and distribution, it also looks at the role of funding conditions and price in supporting access. The case studies suggest several areas where the role of licensing can enhance development of new vaccines and equitable distribution.

WIPO once again thanks the Bureau for the opportunity to comment on this negotiating text. WIPO stands ready to offer our technical expertise to support Members as they continue to develop the negotiating text in relation to these topics during the next steps of the INB process.

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