Arguments against waiver of patent protection

- **Concerns with respect to Quality:** "The protection of intellectual property is a source of innovation and must remain so in the future. The limiting factor in vaccine manufacturing is production capacity and high-quality standards, not patents," a spokesperson for German Chancellor Angela Merkel said. Allowing manufacturers in low- and middle-income countries to play with technologies they cannot handle might prove hazardous.
- **Capacity concerns:** Bill Gates believe that the bottleneck in vaccine production is not IP laws but the **manufacturing capacities.**
    - Our global vaccine production capacity is about 3.5 billion doses a year. In order to cover even 70% of the global population, we need to increase that to 10 billion doses.
    - Since mRNA vaccines are particularly difficult to manufacture, the developing world would not be able to use this to produce the required amount of vaccines.
- **Issue of time taken to manufacture:** It might take too long anyways even before new firms are able to utilize the vaccine production technology. The reasons range from lack of familiarity to lack of capacity among others. A counter to this idea is the fact that given the current low vaccination rates and emerging new variants, it is almost impossible to predict when will the pandemic end.
- **Concerns of stealing of technology:** A breach in the patent will allow countries such as China (which already has a dubious record of patent stealing) to steal the original technologies of the patent holders. This will result in loss of revenue and discouragement in future endeavours.
- **Investments needs to be rewarded suitably:** The industry needs to be rewarded for their innovation and investment so as to incentivise them to develop newer products. For example, Moderna expects sales of $18.4 billion in the year 2021.

Concerns with the announcement of IP waiver by the US:

- **IP waiver is Limited to vaccines:** Covid related technologies also includes diagnostics and treatments such as remdesivir apart from vaccines which anyway is preventive in nature only.
- **Present roadblocks in vaccine supply:** Because of the following 3 reasons –
    - **IP is not a barrier to access Covid vaccines technology** because out of the eight Covid vaccines approved in various countries; five are already licensed or produced in India.
        - AstraZeneca, Novavax, Johnson & Johnson and Gamaleya Institute-Russian Direct Investment Fund have been licensed for manufacture to Indian companies such as Serum Institute of India (SII), Biological E, Dr Reddy's and Hetero.
    - **Reverse engineering is not easy:** A waiver under TRIPs does not compel any of the patent-owning vaccine manufacturers to actively share their 'knowhow', like cell