

Open letter to the World Health Organization (WHO) and its Member States on the proposal by Costa Rica to create a global pool for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the coronavirus/COVID-19 pandemic

We are writing to ask the WHO and its Member States to support the proposal by Costa Rica for the creation of a global pooling mechanism for rights in the data, knowledge and technologies useful in the prevention, detection and treatment of the coronavirus/COVID-19 pandemic.

Costa Rica correctly saw this as a pool with a diverse set of rights, including those relating to patents on inventions and designs, regulatory test data, research data including outcomes, know-how, cell lines, copyrights and blueprints for manufacturing, as these rights relate to equipment, diagnostic tests, devices, medicines, vaccines, and other medical tools.

Such a pool would allow for competitive and accelerated production of needed COVID-19 technologies, and expand our capacity to address the need for affordable products for all.

The inputs to such a pool could come from governments that fund research and development or buy innovative products, as well as from universities, research institutes, charities, private companies and individuals who control rights.

The WHO should immediately reach out to Member States that are funding biomedical research relevant to the current pandemic, and engage other rights holders as well.

We recognize that some governments and other entities may be reluctant to openly share technologies globally, such as by open licensing or licensing on reasonable and affordable royalties, when there is uncertainty about whether others will make similar commitments.

To move forward as quickly as possible, and consistent with the Costa Rica proposal, the WHO can put forth an initial phase-one agreement that creates the bare minimum legal basis to permit such assignments/licenses in the future, such as by including options in funding contracts, and create a process for working out the details at a later date, including the ultimate decisions on which technologies to share, and the terms of the authorizations, including possible remuneration. As rights holders work with the WHO and deepen their understanding of the challenges we face in responding to the pandemic, the logic and benefits of cooperation and global pooling will be compelling.

The most important and needed element today is leadership, to convince those funding R&D or buying innovative products that in this emergency, the broadest sharing of

technology could save the most lives. Moreover, and this needs to be addressed in funding agreements, now.

Organizations (alphabetical order)

Alianza LAC-GLOBAL por el Acceso a Medicamentos

American Medical Student Association

Associação Brasileira Interdisciplinar de AIDS (ABIA)

Comité de Veeduría y Cooperación en Salud de Colombia (CVCS) / Health Oversight and Cooperation Committee (CVCS)

Corporación Innovarte

Creative Commons Ecuador

FUNDACION IFARMA – Colombia

Fundación Vía Libre

Global Justice Now

Grupo de Trabalho sobre Propriedade Intelectual (GTPI)

Health Action International

Health GAP (Global Access Project)

Incentives for Global Health

Just Treatment

KEI Europe

Knowledge Ecology International

Korean Pharmacists for Democratic Society(KPDS)

Korean Federation Medical Activist Groups for Health Rights (Association of Korea Doctors for health rights, Association of Physicians for Humanism, Korean Dentist's Association for Healthy Society, Korean Pharmacists for Democratic Society, Solidarity for worker's health)

Lawyers Collective

Misión Salud

Observatorio Iberoamericano de Propiedad Intelectual (OBIFI)

Oxfam America

People's Health Institute (Korea)

Public Citizen

Public Eye

Red Latinoamericana por el Acceso a Medicamentos (RedLAM)

Salud por Derecho

Salud y Fármacos EEUU

SELACC (the secretariat of Cáritas Latin America and the Caribbean)

STOPAIDS

T1International

Treatment Action Group

UAEM Europe

Union for Affordable Cancer Treatment (UACT)

Universities Allied for Essential Medicines (UAEM)

Wemos

Global Health Law Committee, International Law Association

- Frederick Abbott, Co-Chair, Edward Ball Eminent Scholar Professor, Florida State University College of Law, USA
- Brigit Toebes, Co-Chair, Professor and Chair, Health Law in a Global Context, Faculty of Law, University of Groningen, The Netherlands
- Ellen ' t Hoen, Co-Rapporteur, Director Medicines Law & Policy and University Medical Centre Groningen.
- Including the following Members:
 - Ryan Abbott, Professor of Law and Health Sciences, University of Surrey, United Kingdom and Adjunct Asst. Prof. of Medicine, David Geffen School of Medicine at UCLA, USA
 - Pia Acconci, Full professor of international law, Faculty of Communication Science, University of Teramo, Italy

- Wang Chenguang, Professor of Law, Tsinghua University, China, and Member of the National Expert Committee of Covid-19 Emergency in China
- Andre den Exter, Universitair hoofddocent Gezondheidsrecht (University professor Health Law), Jean Monnet Chair EU Health Law, Erasmus School of Law, The Netherlands
- H el ene De Pooter PhD, LLM, Senior Lecturer in Law, Bourgogne Franche-Comt e University (France)
- Gian Luca Burci, Adjunct Professor of International Law, Graduate Institute of International and Development Studies, Geneva, Switzerland
- Dr. Mihalis Kritikos, Scientific Foresight Unit (STOA), EPRS | European Parliamentary Research Service
- Stefania Negri, Associate Professor of International Law, Department of Legal Sciences – University of Salerno, Italy
- Laurent Sermet, Professeur d’Universit e, Institut d’ tudes politiques, Aix-en-Provence, France
- Pedro Villarreal, PhD (UNAM, Mexico), Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg, Germany
- Tania Voon, Professor, Melbourne Law School, University of Melbourne, Australia
- Morten Wall e Tvedt Associate Professor, Molde University College, Norway, Norwegian branch.

Individuals (alphabetical order)

Barbara Handelin, PhD, CoFounder, Audacity Therapeutics

Carol A. Nancy, Ph.D., CEO, Sequella, Inc.

Charles Clift

Claudia Vaca, Profesora asociada, Directora Centro de Pensamiento: “Medicamentos, Informaci n y Poder”, Universidad Nacional de Colombia

Diane Singhroy, PhD, Virologist

Dr. Andrew Hill, Honorary Visiting Senior Research Fellow, University of Liverpool

Dr. Carina Vance, former Minister for Public Health (Ecuador), former Director of the South American Institute of Governance in Health (ISAGS) of the Union of South American Nations (UNASUR).

Dr. Guillaume Long, former Minister of Foreign Affairs (Ecuador)

Dr. Hernán Núñez Rocha, former Director of the Ecuadorian patent office

Dr. Jennifer Sellin, Assistant Professor Dept. of International & European Law, Faculty of Law, Maastricht University, Maastricht Centre for Human Rights

Dr. René Ramírez Gallegos, former Minister of Higher Education, Science, Technology and Innovation in Ecuador

Dr Ruth Lopert MD MMedSc FAFPHM, Director, LWC Health

Ellen 't Hoen LL.M PhD, Director, Medicines Law & Policy

Fifa Rahman, PhD Candidate, Intellectual Property and International Trade, University of Leeds

Gregg Alton, Former Chief Patient Officer Gilead Sciences, Inc.

Hannes Braberg, PhD, Staff Scientist at University of California, San Francisco

Jennifer Cohn, MD MPH, Assistant Professor, Division of Infectious Diseases, University of Pennsylvania School of Medicine

Jennifer Milena Bueno, SLP MsC, Coordinadora CVCS, Investigadora en comunicación-educación en salud

Jordan Jarvis, MSc, DrPH Candidate, London School of Hygiene & Tropical Medicine, UK; Visiting Researcher, MAP-Centre for Urban Health Solutions, St. Michael's Hospital, Toronto, Canada

Jorge Bermudez, MD, DSc; Public Health Researcher at Fiocruz, former Executive-Director of UNITAID, former Member of the UN Secretary-General High-Level Panel on access to Medicines

Katrina Perehudoff MSc LL.M PhD, Post Doctoral Research Fellow, Dalla Lana School of Public Health, University of Toronto, Canada, Post Doctoral Assistant ('doctor assistant'), Department of Public Health & Primary Care, Ghent University, Belgium

Lilianne Ploumen, Member of Parliament, PvdA Spokesperson for Foreign Affairs, Curative care and She Decides

Luc Denys, Belgium, jurist, retired J & J

Luis Villarroel Director, Corporacion Innovarte, Ex Miembro Tribunal Propiedad Industrial de Chile

Luz Marina Umbasia Bernal, GHP Corp.

Manuel Becerra Ramírez, Universidad Nacional Autónoma de México

Marcel Canoy, economist, Erasmus School of Accounting and Assurance

Oscar Lizarazo-Cortés, Universidad Nacional de Colombia-Sede Bogotá

Paul Fehlner, President & CEO, reVision Therapeutics, Inc.

Peter B. Bach, MD, MAPP, Director, Center for Health Policy and Outcomes, Memorial Sloan Kettering Cancer Center

Prof. Brook K. Baker, Northeastern U. School of Law, Program on Human Rights and the Global Economy, and Senior Policy Analyst, Health GAP

Prof. Dr. H.D. Banta, former director of the Health Program US Congressional Office of Technology Assessment and former Deputy Director of the Pan American Health Organization

Prof Dr Hans V. Hogerzeil, em.Professor of Global Health, University Medical Centre Groningen.

Professor Paulo D. Picon MD, PhD, Full Professor of Internal Medicine, Universidade Federal do Rio Grande do Sul, Brazil

Rafael Pérez Miranda, Universidad Autónoma Metropolitana

Sol Terlizzi, Academic Coordinator, Master in Intellectual Property, FLACSO Argentina

Suerie Moon, MPA, PhD, Co-Director, Global Health Centre, Graduate Institute of International and Development Studies, Geneva

Tony Quinones, Bright Path Laboratories, Inc.

Yannis Natsis, Management Board member, European Medicines Agency