

**Please Extend the June 2022 WTO TRIPS Decision to Improve Global Access to COVID-19 Diagnostics & Therapeutics by Easing Developing Countries' Use of Existing WTO Compulsory Licensing Flexibilities**

The Honorable Katherine Tai  
Office of the U.S. Trade Representative  
600 17th Street NW  
Washington, DC 20508

October 16, 2023

Dear Ambassador Tai,

Three-and-a-half years after COVID-19 was first declared a pandemic, the SARS-COV-2 virus remains a leading cause of infection and death around the world. Shamefully, the gross inequalities that characterized the global rollout of first-generation COVID vaccines are still being replicated when it comes to access to COVID therapeutics and diagnostic tools. As a result, “test and treat” strategies designed to prevent the worst outcomes due to COVID-19 are only widely available in affluent nations. In developing countries, lack of access to therapeutics and diagnostics remains a key factor driving the transmission of COVID-19 and many needless deaths.

We urge you to please rectify part of this ongoing and avoidable tragedy by announcing the United States' unconditional support for developing countries' World Trade Organization (WTO) proposal “*Decision text on extension of the 17 June 2022 Ministerial Decision to COVID-19 Therapeutics and Diagnostics*” (WT/GC/W/860; IP/C/W/694).

The world cheered in 2021 when you announced the Biden administration's support for waiving WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) monopolies limiting access to affordable COVID-19 vaccines. It was crushing that an emergency COVID TRIPS waiver supported by 100-plus countries was never agreed by WTO members. IP barriers continue to remain a challenge for the production and supply of affordable vaccines by developing countries.

However, the June 2022 Ministerial Decision that was agreed to instead of a waiver, if expanded, could make a major difference in global access to affordable COVID treatments and tests. In effect, expanding the 2022 decision would only temporarily suspend one condition for using the WTO's existing compulsory licensing flexibility: a limit on the quantities of a compulsorily-licensed product made in a developing country can be exported to other developing countries. This small, but meaningful, step could

help developing countries to establish additional sources of supply for COVID tests and medications, and thus help prevent needless disease progression, economic displacement, long COVID and death.

Given the narrow scope of this proposal, which pertains only to markets that already cannot afford brand-name treatments and tests, it would not affect existing sales and profits of pharmaceutical companies nor pharmaceutical manufacturing jobs in the United States.

Publication of the forthcoming U.S. International Trade Commission report "*COVID-19 Diagnostics and Therapeutics: Supply, Demand, and TRIPS Agreement Flexibilities*" should eliminate all reason for continued U.S. inaction on this issue. Regardless of the nuances of any report's findings, we again ask that you support extending the June 2022 WTO Decision on the TRIPS Agreement to COVID diagnostics and therapeutics mutatis mutandis.

Sincerely,

Association of Flight Attendants-CWA

Health Gap

Knowledge Ecology International

NETWORK Lobby for Catholic Social Justice

Oxfam America

PCUSA Washington Office of Public Witness

Public Citizen

Rethink Trade

The United Methodist Church - General Board of Church and Society

Trade Justice Education Fund

Transport Workers Union of America