



U.S. CHAMBER OF COMMERCE



March 29, 2021

The Honorable Gina M. Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave. N.W.
Washington, D.C. 20230

The Honorable Katherine C. Tai
U.S. Trade Representative
600 17th St. N.W.
Washington, D.C. 20508

Brian Deese
Assistant to the President for Economic
Policy
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Jeffrey Zients
Coordinator of the COVID-19 Response and
Counselor to the President
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Jacob Sullivan
Assistant to the President for National
Security Affairs
The White House
1600 Pennsylvania Ave. N.W.
Washington, D.C. 20500

Dear Secretary Raimondo, Ambassador Tai, Mr. Deese, Mr. Sullivan, and Mr. Zients:

This Administration has devoted extraordinary focus and resources to ending the COVID-19 pandemic. We share the Administration's goal to end this health and economic crisis as quickly as possible, to safeguard the health of our people and further grow the American economy. No country

will be safe, until the virus is controlled everywhere, including at home and abroad, in developed and developing countries. We strongly support robust U.S. leadership to lead these global efforts, working directly with allies and through global institutions and mechanisms to ramp-up the development and manufacturing of COVID-19 supplies and treatments to defeat the pandemic.

Our country is exceptionally well positioned to help achieve this goal. For decades, the United States has led the world in promoting policies that advance scientific innovation, improve global health, and foster economic growth.¹ These policies have created R&D-intensive industries that contribute \$6 trillion towards the U.S. gross domestic product and support approximately 45 million U.S. jobs in all 50 states. These policies also have created the foundation for robust collaboration and partnership between private- and public-sector actors to create, manufacture, and distribute new and innovative products widely. U.S. leadership already has been essential to the U.S. and global response to COVID-19.

When the pandemic began, America's innovative companies leveraged their extraordinary R&D capacity to launch the unprecedented development and delivery of diagnostics, medical equipment, treatments, vaccines, digital tools, and information sharing faster than ever before. The same was true of scientific publishers, technology and creative industry firms, who helped to battle the pandemic and keep the world connected and informed. This would not have been possible absent the United States' robust IP environment, which enables innovators and creators to invest the resources necessary to commercialize new products and services.

The COVID-19 response also has benefited from unprecedented collaboration among companies through licensing agreements to accelerate knowledge and technology sharing, and leverage manufacturing capacity to broaden supply and distribution – all made possible by clear and predictable IP rights. Recent weeks have seen a flurry of announcements of new licensing agreements between companies to defeat COVID-19. These collaborations build on many others announced since the start of the pandemic, with businesses, non-profits, universities, and governments making resources and capacity available to one another and citizens more generally.

We strongly support the Administration's work to leverage international mechanisms to help address COVID-19. On March 19, President Biden joined "Quad" leaders from Australia, India, and Japan in signing a historic agreement to expand manufacturing and distribution of COVID-19 vaccines in the Indo-Pacific region. Similarly, the Administration's commitment to engage and lead reform efforts at the World Health Organization and through mechanisms such as the COVAX facility also are critical steps to expand equitable global access to vaccines.

Unfortunately, some countries have chosen this moment to pursue their longstanding goals to weaken IP rights, including through a problematic proposal at the World Trade Organization to waive IP global protections. This waiver is as vague as it is broad, removing patent, industrial designs, copyright, and trade secret protection for any products and services so long as they can be tied to COVID-19. Proponents of the waiver have claimed, without evidence, that it would advance public health. In reality, the waiver would undermine the global response to COVID-19 and would not achieve its stated goal to rapidly expand vaccines production. The greatest barriers to faster global access to

¹ The United States consistently sets the standard for innovative economies globally – continually ranking as the most competitive intellectual property (IP) environment according to the *U.S. Chamber International IP Index*. See www.valueingenuity.com/ip-index/

vaccines and therapies are the complex logistical, engineering, and technical challenges of rapidly scaling-up their manufacture. The proposal at the WTO distracts from addressing these manufacturing and logistical issues.

We strongly support the Administration's global leadership and collaboration with key global vaccine mechanisms, consistent focus on efforts to identify and eliminate the real barriers to end the pandemic and ensure faster global vaccination, and continued efforts to oppose this waiver. The work being done to address supply chain bottlenecks and strengthen health systems in developing countries will help to deliver vaccines to citizens as quickly as possible. This includes: the historic agreement by Quad leaders to expand manufacturing and distribution of COVID-19 vaccines in the Indo-Pacific region; collaboration at the WHO and through COVAX and other multilateral mechanisms; and broader efforts to identify and eliminate related barriers to global vaccination. We encourage the Administration to continue to oppose the waiver proposal, and to work with likeminded allies - such as Japan, the European Union, the United Kingdom, Switzerland, and Brazil - to engage directly with new WTO Director-General Ngozi Okonjo-Iweala to foster a more productive, comprehensive conversation about ensuring equitable access to COVID-19 products by tackling trade barriers.

We look forward to continuing to work with you to develop and implement policies that allow us to defeat COVID-19, strengthen the American economy, and build back better. America's creative and innovative industries, companies, and workers stand ready to help you to defeat COVID-19 and keep the world safe from future disease threats.

Sincerely,

Advanced Medical Technology Association (AdvaMed)
Biotechnology Innovation Organization (BIO)
Incubate Coalition
Latino Coalition
National Association of Manufacturers (NAM)
National Foreign Trade Council (NFTC)
National LGBT Chamber of Commerce (NGLCC)
National Puerto Rican Chamber of Commerce
Pharmaceutical Research and Manufacturers of America (PhRMA)
Small Business & Entrepreneurship Council (SBE)
Software and Information Industry Association (SIIA)
Telecommunications Industry Association (TIA)
U.S. Chamber of Commerce
U.S. Council for International Business (USCIB)
U.S. Pan Asian American Chamber of Commerce (USPAACC)