

14^E COMMISSION

**MITIGATING TECHNIQUES, VACCINES, AND MEDICINES
IN DEALING WITH EPIDEMICS AND INTERNATIONAL LAW,
WITH A FOCUS ON INTELLECTUAL PROPERTY**

**TECHNIQUES DE RÉDUCTION, VACCINS ET MÉDICAMENTS
AYANT TRAIT AU TRAITEMENT D'ÉPIDÉMIES
ET DROIT INTERNATIONAL,
AVEC UN ACCENT
SUR LE DROIT DE LA PROPRIÉTÉ INTELLECTUELLE**

RAPPORTEUR : EDWARD KWAKWA

La commission est composée de

MM. Eyal Benvenisti, Rolf Einar Fife, Mojtaba Kazazi, Roy S. Lee,
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ABSTRACT

While efforts to mitigate the Covid-19 pandemic have been plentiful, structural inadequacies in the public health system and poor implementation of existing provisions to address health emergencies continue to undermine the Covid-19 response. This report will unpack the intellectual property regulatory aspects in responses to the Covid-19 pandemic and consider what is needed in order to ensure a sound global framework to respond to future public health emergencies. We appraise the historical lessons from the establishment of the Doha Declaration, the flexibilities under the World Trade Organization (WTO)'s Agreement on Trade-related aspects of Intellectual Property Rights (TRIPS Agreement) and the varying perspectives on the TRIPS waiver for the prevention, containment and treatment of Covid-19. Intellectual Property (IP) considerations in other pandemic mitigating techniques like the Covid-19 technology access pool (C-TAP) as well as the proposed International Treaty on Pandemics, and calls for IP regulatory reforms at the regional and national level are also discussed. The divergent views of the actors and stakeholders involved as well as the protracted nature of multilateral negotiations add layers of complexity that may further undermine and prolong the Covid-19 response. There is therefore a need for a swift and multi-pronged approach to address public health emergencies in an impactful manner.

UPDATE ON PROGRESS

The Fourteenth Commission was only recently constituted, and expects to convene its first meeting in 2023 in Angers.

PROVISIONAL PLANNING

	Description of phase	Time frame
1	Research and literature review	Dec 2022 – June 2023
2	First draft of Outline for Report	March/April 2023
3	Solicitation of Comments from Members of 14 th Commission	May – July 2023
4	Revised draft of Outline for discussion in Angers	August 2023
5	First draft of Commission's Report	August 2024