

**Question for written answer E-005622/2021
to the Commission**

Rule 138

Antoni Comín i Oliveres (NI)

Subject: Effective enforcement of compulsory licences and exemptions from intellectual property requirements to stimulate vaccine production

On 18 June 2021, the Commission filed a proposal to the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Council on measures to facilitate the use of compulsory licencing laid down in Article 31 of the TRIPS Agreement by World Trade Organization member states wishing to authorise the manufacturing of COVID-19 vaccines.

There are serious doubts about whether such measures would actually increase the ability of World Trade Organization members to issue compulsory licences without fearing legal challenges on the part of patent beneficiaries, who could still claim economic compensation that could be unaffordable for many developing countries. The Commission proposal does not address this issue.

Besides, the compulsory licencing regime does not enable manufacturers to access other intellectual property rights, such as copyright or trade secrets.

Copyright would allow the use of vaccine production software and other therapeutic materials, which would not be possible under the compulsory licencing regime.

Trade secrets include critical information for production and distribution that is necessary to achieve local production goals.

1. How does the Commission intend to ensure that patent beneficiaries do not take legal action against developing countries issuing compulsory licences?
2. Does it believe that it is possible to increase vaccine production in developing countries without access to copyright-protected tools and trade secrets?