

Feb. 21, 2024

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C St. NW
Washington, DC 20520

The Honorable Katherine Tai
United States Trade Representative
600 17th St. NW
Washington, DC 20508

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20520

The Honorable Jeffrey Zients
Chief of Staff
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Secretary Blinken, Secretary Raimondo, Ambassador Tai and Mr. Zients:

The companies and workers represented by the undersigned organizations stepped up to combat the COVID-19 pandemic, investing in and creating hundreds of partnerships at an unprecedented speed and scale to leverage U.S. innovation and manufacturing capacity to create, produce and distribute critical products needed to save lives. U.S. industry has partnered with associations, governments, academia, civil society and international organizations to increase supply and delivery of those products to those most in need. These efforts helped bring the pandemic phase of COVID-19 in the U.S. and around the world to an end.

The U.S. innovation ecosystem, underpinned by intellectual property, is at the heart of these efforts, supporting high-skilled, well-paying jobs for millions of working Americans and their families in all 50 states. That is why our organizations are deeply concerned about ongoing negotiations at the World Trade Organization over the potential expansion of a waiver of key IP commitments under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to include broad categories of COVID-19 diagnostics and therapeutics.

The proposed expansion of the TRIPS waiver to include diagnostics and therapeutics would jeopardize American innovation, endanger U.S. jobs, undermine future investment and research and development for lifesaving products that are fundamental to fighting global crises, including many diseases and health conditions other than COVID-19, and pose serious safety concerns. The proposed expansion would, in fact, implicate not just final products but their full supply chains due to potentially broadly covering any patent “required for the production and supply” of products in scope.

An expanded waiver also raises broader systemic risks, undermining U.S. technology leadership against global competitors such as China by allowing them a channel to unfairly seize American innovation to benefit their own domestic economies and workers. Finally, expansion of the waiver would embolden countries that are seeking to replicate the IP waiver concept in other international fora and for different types of technologies, including energy and environmental technologies. This approach threatens U.S. manufacturing innovation in many sectors and aids foreign competitors.

In advance of the 13th WTO Ministerial Meeting in Abu Dhabi, it is critical that the administration stand with America’s innovators and workers to oppose the expansion of the

TRIPS waiver to cover diagnostics and therapeutics. We stand ready to work with you and your agencies in support of real solutions to COVID-19 and future global crises.

Sincerely,

Advanced Medical Technology Association (AdvaMed)
Biotechnology Innovation Organization (BIO)
National Association of Manufacturers
National Foreign Trade Council (NFTC)
Pharmaceutical Research and Manufacturers of America (PhRMA)
U.S. Chamber of Commerce
United States Council for International Business (USCIB)

CC:

The Honorable Lael Brainard, Director, National Economic Council
The Honorable Jacob Sullivan, Assistant to the President for National Security Affairs
Major General (Ret.) Paul Friedrichs, Director of the White House Office of Pandemic Preparedness and Response Policy