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**JINDAL SCHOOL OF GOVERNMENT AND PUBLIC POLICY (JSGP)  
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invite you to a

**VIRTUAL**    
**PANEL DISCUSSION**

on

**Legal & Policy Implications of the  
TRIPS Waiver on Access to Medicines & Vaccines**

**SPEAKERS**



**DR. LEENA MENGHANEY**

Global IP Advisor,  
Médecins Sans Frontières (MSF)  
Access Campaign



**PROF. (DR.) YOGESH PAI**

Assistant Professor and Co-Director,  
Centre for Innovation, IP and Competition,  
National Law University, Delhi



**PROF. (DR.) PRABHASH RANJAN**

Senior Assistant Professor,  
South Asian University



**DR. K. M. GOPAKUMAR**

Legal Advisor & Senior Researcher,  
Third World Network

**MODERATOR**

**Ms. Meenuka Mathew, Academic Tutor and TRIP Fellow, JSGP**

**WED | JUNE 2 | 2021**  
**2:00 PM to 3:30 PM**

Join us on  
**zoom**

<https://us06web.zoom.us/j/81110736910>  
Password:- JGU

# CONCEPT NOTE

On 5th May 2021, the United States (US) administration under President Biden announced their support for a relaxation in the norms of the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), to ensure quick and affordable access to vaccines for developing countries. The Statement bears considerable significance, particularly since it came from the US administration, historically one of the strongest defenders of Intellectual Property Rights (IPR). However, a careful scrutiny suggests that it is cautiously worded and non-committal.

It is important to view the Statement in light of the TRIPS waiver proposed jointly by India and South Africa before the World Trade Organisation (WTO) in October 2020. The Joint Proposal, co-sponsored and supported by one hundred and thirty developing countries, demanded a temporary waiver of certain TRIPS obligations on copyrights and related rights, industrial designs, patents, and the protection of undisclosed information in relation to the prevention, containment, or treatment of COVID-19. However, the US statement covers vaccines only, leaving aside other crucial medical products required to save lives in times of COVID-19.

Availability and access to vaccines too remain crucial bottlenecks impeding the progress in controlling the pandemic. In reality, high-income countries have secured doses for more than twice their adult population, while others do not possess enough doses to vaccinate even one-third of their populations. Though WHO COVAX is committed to providing vaccines for low-middle-income countries with the aim to vaccinate one-fifth of the adult population in developing countries, it remains woefully short of its target. This is primarily on account of lack of funds, the capacity to produce vaccines, and the vast inequalities in the distribution of vaccines.

Can the proposed waiver be a crucial game changer in improving access to vaccines in developing countries? The US statement has created a significant euphoria among developing countries like India, with the hope that it would open the floodgates for the use of compulsory licensing without having to worry about bilateral issues. However, in contrast, IPR experts argue that merely waiving IP/patent protection cannot scale up manufacturing and distribution of the vaccine as the problem lies elsewhere, for instance, availability of raw materials and time-consuming regulatory approvals.

The Proposal could significantly impact India's pharmaceutical industry and the country's battle against COVID-19. Against this background, the present panel discussion intends to reflect on the legal and policy implications of the proposed TRIPS Waiver for India; the pandemic-hit pharmacy of the Global South.

# BIOs OF THE PANELLISTS

## **Dr. Leena Menghaney**, Global IP Advisor, Médecins Sans Frontières (MSF) Access Campaign

Dr. Leena Menghaney is the Global IP Advisor for MSF's Access Campaign. Her area of work and expertise is Right to Health, Innovation, Drug Regulation and Intellectual Property. A graduate from the Dept. of International Relations & Economic Studies, Jadavpur University, Calcutta, she also has an LL.B. degree from the University of Delhi. She worked extensively on the people's campaign for the inclusion of public health safeguards in the Patent (Amendment) Bill 2005, as its provisions seriously affected the production of affordable generic drugs and its supply to the developing world. More recently, as part of the MSF Access Campaign team, she has worked on addressing legally challenging monopolies of the multinational pharmaceutical industry that prevent access to generic drugs and more affordable vaccines. Combining her expertise on rights and IP, she works with communities to address regulatory barriers in India to encourage supply of low-cost generic medicines and other health technologies to MSF's medical projects and developing countries.

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## **Prof. (Dr.) Yogesh Pai**, Assistant Professor and Co-Director, Centre for Innovation, IP and Competition, National Law University, Delhi

Prof. (Dr.) Yogesh Pai is an Assistant Professor and Co-Director of the Centre for Innovation, IP and Competition at National Law University Delhi. He is also in-charge of the Ministry of Commerce and Industry, DPIIT chair on IPR at NLU Delhi. He specialises in IP law and its intersectionality with trade and competition and public policy. Dr. Pai is on the roster of consultants of the World Trade Organisation (WTO) for Regional Trade Policy Courses for the Asia-Pacific Region and has taught at the WIPO Academy (online) courses. He was the Thomas Edison Fellow (2017-18) at the George Mason University and a short term Visiting Fellow at the Asian Law Centre, University of Washington, Seattle. He is on the editorial board of the WTO-WIPO colloquium research papers. Dr. Pai has also been on different committees of the Government of India on issues related to IPRs.

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## **Prof. (Dr.) Prabhash Ranjan**, Senior Assistant Professor, South Asian University

Prof. (Dr.) Prabhash Ranjan is a Senior Assistant Professor at the Faculty of Legal Studies, South Asian University. Dr. Ranjan holds a Ph.D. in law from King's College London. He has been a Visiting Scholar at Brookings India and a Visiting Fellow at the Lauterpacht Centre for International Law, Cambridge University. He has authored a book, 'India and Bilateral Investment Treaties: Refusal, Acceptance, Backlash' published by Oxford University Press in 2019. Recently he was invited by the Parliamentary Committee on External Affairs to depose as an expert witness on 'India and bilateral investment treaties'. Dr. Ranjan has published in several leading international journals like the Netherlands International Law Review, ICSID Review, Journal of World Trade, Journal of World Investment and Trade, Asian Journal of International Law, Cambridge International Law Journal, George Washington International Law Review, Northwestern Journal of International Law and Business to name a few. He regularly contributes opinion editorials in India's leading national newspapers like The Hindustan Times and The Hindu.

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## **Dr. K. M. Gopakumar**, Legal Advisor & Senior Researcher, Third World Network (TWN)

Dr. K. M. Gopakumar is a Senior Researcher and Legal Advisor at TWN and based in New Delhi, India. TWN is an independent, not-for-profit organisation that carries out policy research and advocacy on issues around trade and development, with a focus on third world countries. His work in TWN focuses on the global IP regime and its implications on development.