



February 3, 2021

Ms. Maria L. Pagan  
Acting U.S. Trade Representative

Re: *Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19*

Dear Acting USTR Pagan:

On behalf of Amnesty International and our more than 10 million members and supporters worldwide, we write to urge you to support the proposed Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19. We request the USTR to engage in constructive negotiations with other WTO member states, with a view to adopting the proposal at the March 10 meeting of the WTO General Council.

In December 2020 [Amnesty International](#) published a report titled *A FAIR SHOT: Ensuring Universal Access to COVID-19 Diagnostics, Treatments, and Vaccines*. The report sets forth recommendations concerning the COVAX pillar, WHO Fair Allocation Framework, COVAX facility, intellectual property (“IP”) rights, World Trade Organization, and COVID-19 Technology Access Pool (“C-TAP”). In addition, I published a January 2021 article on [InterAction](#), laying out *An International Human Rights Framework to COVID-19: Why We Must Prioritize Vaccine Distribution for Those Most at Risk*.

There is an urgent need to adopt a multilateral approach for providing universal fair access to COVID-19 diagnostics, treatments, and vaccines. The current IP system has failed to deliver the COVID-19 products in sufficient quantities to those who most need it. [Ample evidence](#) demonstrates that IP rights have hampered the distribution and provision of COVID-19 health products for people globally.

[Almost 70 countries are on track to vaccinate no more than one in 10 of their populations](#) in 2021. The proposed TRIPS waiver will provide a framework for eliminating such barriers. The waiver will be time-bound for a specified period and is [supported](#) by the WHO and a [group of UN independent human rights experts](#). The majority of low and middle income countries – whose populations face years before vaccines arrive – are also supportive.

ACT-A and COVAX, while useful emergency tools, can at best provide a fraction of the total doses of vaccine that are needed, which is particularly important given the more easily transmissible variants that are circulating. They cannot secure the increase in supply that is needed to ensure that all nations can vaccinate sufficient proportions of their populations. Importantly, the TRIPS waiver proposal does not undermine ACT-A and COVAX but rather complements them by enabling a more rapid ramping up of global production.

We look forward to your response and welcome the opportunity to discuss this matter further. Please do not hesitate to contact me at 202/281-0017 or [jlin@aiusa.org](mailto:jlin@aiusa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Lin". The signature is fluid and cursive, with the first name "Joanne" and the last name "Lin" clearly distinguishable.

Joanne Lin

National Director, Advocacy and Government Affairs

202/281-0017