



Congress of the United States
House of Representatives
Washington, DC 20515-3605

June 16, 2021

The Honorable Koji Tomita
Ambassador of Japan to the United States
2520 Massachusetts Avenue, NW
Washington, DC 20008

Dear Ambassador Tomita:

We are writing to you regarding a recent proposal before the World Trade Organization (WTO) to waive intellectual property (IP) protections related to COVID-19 technologies under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). We are deeply concerned about the potential negative impacts of this waiver for fighting both this and future health crises and greatly appreciate the Government of Japan's leadership in supporting life sciences innovation by defending strong intellectual property protections at the WTO.

We are united in committing to fight the coronavirus pandemic by addressing the challenges of increasing global vaccine production and distribution. However, as you know, a TRIPS waiver on COVID-19-related technologies is not the silver bullet that some claim it to be. Vaccine production and delivery is a complex process requiring specialized expertise and equipment and adherence to essential safety and other regulatory measures. Industry already is partnering voluntarily with facilities around the world – including facilities in countries that are the leading advocates for the waiver – that are capable of producing quality vaccines to ramp up production safely and effectively. These technical and manufacturing obstacles would remain even with a TRIPS waiver in place, and such a waiver would compound the issue by taking the focus and resources away from an already unprecedented global effort to vaccinate the world's population.

In addition to doing little to address the above challenges, and potentially increasing them, a TRIPS waiver would result in the transfer of critical technology to major economic competitors who have a history of stealing IP for domestic industrial gain, like China and Russia. The promise of IP protections is what helped justify the massive investment pharmaceutical manufacturers put into research and development that ultimately lead to the COVID-19 vaccines. Weakening IP rights through a TRIPS waiver would have a chilling effect on future investment during health emergencies and would put these technologies in the hands of nations with ulterior motives. This is not a model we should, nor can we afford to, create.

Instead, we should be focusing our efforts on ways to increase global vaccine production and improve distribution. A great example is the model put forth by the Quad agreement on March 12, 2021 between our nations, India, and Australia to boost COVID-19 production and

distribution in Asia. This agreement, which acknowledges the complicated nature of the logistical demands for production, procurement, and delivery of safe and effective vaccines as the critical barrier we must address, is what our nations and the WTO should be prioritizing and using as a blueprint for other regions around the world.

Thank you for the Government of Japan's continued principled position and constructive leadership regarding the importance of IP protection and the proposed WTO TRIPS waiver. We look forward to working together to effectively increase access and supply of COVID-19 vaccines around the world in a safe manner while protecting the IP rights that helped spur the innovation behind those vaccines.

Sincerely,



Adrian Smith
Member of Congress



A. Drew Ferguson, IV
Member of Congress



Scott DesJarlais, M.D.
Member of Congress



Billy Long
Member of Congress



Jim Banks
Member of Congress



Tom Emmer
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



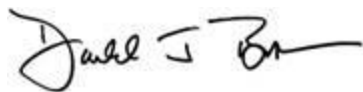
Kevin Hern
Member of Congress



Tom Rice
Member of Congress



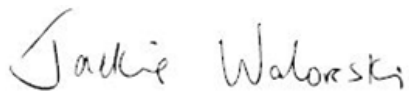
Debbie Lesko
Member of Congress



Donald J. Bacon
Member of Congress



Carol D. Miller
Member of Congress



Jackie Walorski
Member of Congress



Jeff Duncan
Member of Congress



Jason Smith
Member of Congress



Devin Nunes
Member of Congress



Dan Newhouse
Member of Congress



Steve Chabot
Member of Congress