

# Why dying for a patent? Compulsory licenses, contract transparency, public health

To tackle the Covid-19 pandemic, we need Open Science more than ever. Humanity can only hope to quickly overcome the crisis it is facing by sharing worldwide the knowledge and technologies needed to produce vaccines, drugs and medical devices.

Many voices have been raised against the unfair grabbing of vaccines and drugs by rich countries to the detriment of the poor ones. Others have pointed out that pharmaceutical companies are able to dictate the time and mode of vaccination campaigns even in the wealthy West where they have their headquarters. Their power is even more surprising if we take into account that they enjoy direct funding from governments and benefit from the results of basic research supported by public money.

The TRIPS agreement (Trade Related Intellectual Property Rights, art. 31) entitles states, in emergency situations, to enforce compulsory licenses on private patent holders so that other companies can produce generic versions of the patented drugs and vaccines, not without paying them a royalty.

We need, at least, two urgent legislative actions:

1. in Italy, a regulatory provision on compulsory licensing in the field of public health protection should be included in the legislative decree, February 10, 2005 n. 30 (industrial property code);
2. in the European Union, legislation should be introduced to require the disclosure and transparency of contracts signed by the European Union and its Member States for the supply of vaccines.

AISA urges the lawmakers to fill these critical gaps, which are all the more inexplicable as they concern measures compatible with and contemplated by the current international system of intellectual property.