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PHARMACEUTICAL INDUSTRY UNDER NEW PATENT REGIME IN TIMES OF THE COVID-19 PANDEMIC

Soumyadip Panda & Anshu singh

Students, Amity Law School, Amity University, Kolkata

Abstract

Since the beginning of 2020, the whole world is facing the threats imposed by the Novel Coronavirus or Covid-19. The pandemic has affected almost all the sectors in every part of the world including India. However, the impact of the pandemic was not that dangerous to the pharmaceutical industry. It cannot be denied that indeed the pandemic affected some parts of the pharmaceutical industry including the supply chains. Imports of active ingredients used for the production of pharmaceutical products from China were also affected. The fact still remains the same that Covid-19 has endowed India with opportunities to grow in this sector.

The aim of the industry since the beginning of the spread of Covid-19 was to ensure that there continues to be a supply of medicines and drugs necessary for the treatment of infected people and to reduce the risks of uninfected people. The domestic industry consists of suppliers, manufacturers, providers and other authorities who have taken up this task on their shoulders. Though the presence of regulatory authorities has created some issues in addressing redressals on time, the firms depended upon the stakeholders for seeking necessary support. The pharmaceutical industry since the beginning of the lockdown noted the priorities for ensuring that the supply chain is not affected to a great extent which included the adoption of a systematic view for coming up with an effective plan to manage, etc.

The authors through this research have tried to understand the trend of the pharmaceutical industries at the time of the pandemic. They have further analysed the relation between the patenting of pharmaceutical products and the fundamental human rights of citizens and whether the right to health can be compromised or not. Finally, the Authors have ventured into the discussion of whether the patent should be granted for Covid-19 vaccines or not. The study has

been conducted on a very short period of time and the data which has been used for the reference purpose is restricted to the materials available online.

KEYWORDS: Covid-19, Pandemic, Pharmaceutical Products, Regulatory Authorities, Fundamental Human Rights, Vaccines.

INTRODUCTION

The Indian pharmaceutical market reached its peak in 2019. The annual turnover was approximately US$ 20 Billion. The Indian healthcare facilities as provided by these industries include both the private and the public sectors. India is a mega player in the field of pharmaceuticals and has a very important role in the global market. It has scientists and engineers who are capable of aiding in making the Indian pharmaceutical industry reach its new heights and achieve the desired goals. The Indian industry also meets the demand of the globe by supplying vaccines and drugs. About 50% of the world's demands are met by India. It is also one of the biggest producers of generic drugs. The Indian products are exported to more than two hundred countries around the world.

Now take a look at the current situation prevailing. Since the beginning of 2020, the whole world is facing the threats imposed by the Novel Coronavirus or Covid-19. The pandemic has affected almost all the sectors in every part of the world including India. In order to control the spread of the novel virus, countries across the world imposed strict lockdown, which has continued to be in place in 2021 as well.

India also imposed a lockdown at the central level and then at the state level to check the spread of the deadly virus. Lockdown imposed by the central and state governments in India restricted people from moving in and out of their houses without a valid reason. This resulted in the suspension of all commercial, social, and educational activities. The only services which are allowed without any restriction are the services providing essential products, to ensure the well-

being of the people even in times of such difficulties[1]. Pharmaceutical products were also included under the ambit of essential services.

The impact of the pandemic was not that dangerous to the pharmaceutical industry. It cannot be denied that indeed the pandemic affected some parts of the pharmaceutical industry including the supply chains[2]. Imports of active ingredients used for the production of pharmaceutical products from China were also affected. The fact still remains the same that Covid-19 has endowed India with opportunities to grow in this sector.

The aim of the industry since the beginning of the spread of Covid-19 was to ensure that there continues to be a supply of medicines and drugs necessary for the treatment of infected people and to reduce the risks of uninfected people. The domestic industry consists of suppliers, manufacturers, providers and other authorities who have taken up this task on their shoulders. Though the presence of regulatory authorities has created some issues in addressing redressals on time, the firms depended upon the stakeholders for seeking necessary support.

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STEPS TAKEN BY INDIA TO REDUCE ITS DEPENDENCY UPON APIS IMPORTED FROM CHINA

Covid-19 outbreak has further made India depend largely upon China for procuring APIs, which in itself is suffering as being the epicenter of the pandemic. China's manufacturing plants also experienced issues due to the restrictions India imposed on supply chains and export of products. Further, the quarantine policies and restrictions on movement of people by the Chinese government to curb the spread of the deadly virus turned out to reduce the manpower in China.

[1] Features News Snippets, Impact of Covid-19 on Pharma Supply Chains and the Fight back, (23 Oct, 2021, 7:25 AM), https://supplychainasia.org/impact-covid-19-pharma-supply-chains-fightback/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration
[2] Nexdigm Private Limited, Impact of Covid-19 on Pharma Supply Chains and the Fightback, (23 Oct, 2021, 8:40 AM), https://www.mondaq.com/india/operational-impacts-and-strategy/1000074/impact-of-covid-19-on-pharma-supply-chains-and-the-fightback

The globalization of the Indian pharmaceutical industry led to an increase in the import of APIs from China. This dependency is now becoming a matter of concern for the health of the citizens. There was a need felt by the Indian government to institute a Task Force for recommending a proper solution to the internal APIs of the nation. Steps such as tax exemption, subsidies for promoting and developing the industry, and developments in infrastructure were felt necessary to be taken which can prove to be beneficial to the sector. There was also a need felt for the removal of financial and technical barriers to improve the production of APIs.[3]

In September 2020, Lok Sabha took up the issues faced by the Indian pharmaceutical industry since the outbreak of the pandemic. D. V. Sadananda, the Union Minister of Chemicals and Fertilizers put forth the schemes prepared by the government of India for the manufacturing of drugs in bulk at domestic firms so as to reduce the dependence on China's APIs. The first scheme was Production Linked Incentive (PLI), while the second one was the Promotion of Bulk Drug Park Scheme. A committee was established in February 2020 for addressing the drug security issues in the country. A report was submitted whereby the Committee opined that the country depends on China for the import of 58 APIs. This led to the establishment of another Technical Committee in March 2020 for further recommendations on the revival of the industry, the introduction of new technologies, laying down project costs and recognition of business models. The Committee's recommendation led to the preparation of the two schemes. The PLI scheme made the provision for the grant of financial incentives to those firms producing selected products to make up for some of the APIs which were then imported from China. The two schemes were approved by the Cabinet in March 2020 itself. The schemes are expected to increase investments along with an increase in the production of KSM, APIs and DIs. It will also help in the reduction of the dependence of the country on imports.[4]

In times of the pandemic, the Union Cabinet took initiatives such as amending the existing FDI policies for allowing more investment necessary for manufacture of more equipment required for

[3] Dr. Sujith Verma K, Covid-19 Impact on Pharmaceutical industry, (23 Oct, 2021, 9:40 PM), http://www.pharmabiz.com/ArticleDetails.aspx?aid=135427&sid=9#:~:text=India%20contributes%20substantially%20to%20WHO,accounts%20to%2090%20per%20cent

[4] Farhat Nasim, Impact of Covid-19 on Indian Pharma Industry: Minister Apprises Parliament, (23 Oct, 2021, 11:30 PM), https://medicaldialogues.in/news/industry/pharma/impact-of-covid-19-on-indian-pharma-industry-minister-apprises-parliament-69610

medical purposes. Between April to June 2020, an FDI inflow of approximately US$ 16.6 Billion was attracted. These investments were mainly made in the sphere of germicidal cabinets and sterilization devices, sanitisers which are free from alcohol and bleach.

With China being one of the top competitors of the Indian market on the global stage and as it is facing lashes from all the nations alike for not disclosing the details related to the cause and spread of the novel virus, India can take this as an opportunity to climb up. The leading nations are looking for other countries which can provide low-cost drugs and medicines. The country's expertise in manufacturing drugs required for critical treatment was once again proved when India produced the drug, Hydroxychloroquine for the treatment of Covid-19. With the steps taken by India for the production of APIs and KSMs at the domestic level under the programme "Make in India", the dependence on China will definitely be reduced. The country will become self-sufficient in the case of the production of generic drugs as well as KSM.

SHORT-TERM AND LONG-TERM IMPACTS OF COVID-19 ON THE INDUSTRY

Covid-19 has both short term and long-term impacts on the pharmaceutical sectors. These impacts can turn out to be both positive and negative. The easiest short-term impact to understand is the increase in demand for vaccines, medical devices, medicines and drugs. Other short-term impacts include a shortage in supply and change in demand, excessive buying and stocking by the public as a result of panic, changes in regulations, and changes in research and development processes. Now, we will try to understand the above-mentioned short-term impacts in detail. The first one is the change in demand, which will result in a shortage of supply. The demand might have changed due to panic among the people for buying medications and the production of the medicines is not enough to meet the needs of all the people. This is creating a situation where the persons who are in actual need of the medicine are not getting it. Another impact has been the situation of panic buying whereby people are storing medicines even when they are not in need of it. This is causing a shortage in supply in the market for these medications. Shortage in supply of active pharmaceutical ingredients as well as end products is faced by the entire world because the two main sources of supply of these, India and China, are fighting the spread of Covid-19 which has drastically slowed down their production. Along with

the shortage, it has also resulted in an increase in the price of these products. Moreover, nations across the globe are busy finding a solution to treat Covid-19 infections. Numerous trials are being conducted for developing a vaccine to treat Covid-19. This has resulted in changing policies for the conduct of research and development.[5]

Apart from short term impact, the industry will experience long term impact due to the sudden spread of Covid-19 disease. Sluggishness in the growth of the industry, delays in approvals being granted to those pharmaceutical products which are not related to the treatment of Covid-19, changes in the trends of consumption of pharmaceutical products and movement towards a self-sufficient supply chain of pharmaceutical products are some of the impacts the industry might face in the long run. Now, we shall be taking an in-depth view of these impacts. The covid-19 pandemic has affected all the sectors of the economies across the globe alike. Sluggishness in economic growth is faced by all the countries, which will also impact the pharmaceutical industries. Developing countries such as India depend largely upon the pharmaceutical industry. The sluggishness in this industry will impact the economic condition of the country very badly in the years to come. Another impact on the industry will be due to delays in granting approvals to medications which are not for the treatment of Covid-19 infections. As we know, all the countries across the globe are pressurized to develop vaccines and other medication facilities for treating the novel virus. This has delayed the approval applications which were earlier filed for other diseases by several months. Further, there has been impacting on the industry due to the ban on exports in India. India has always been one of the major suppliers of generic drugs and APIs, which came to a halt due to lockdown. This has made other countries consider the importance of being self-sufficient for enabling the supply chain. Many countries have also announced such orders and regulations so as to ensure that there is no shortage or crisis of medications in their nation[6].

So, we can say that there is and will be both short term and the long-term impact of Covid-19 on pharmaceutical sectors. It can be felt both at the global as well as local levels. In order to fight the long-term impacts, short term impacts must be understood and checked. The policy makers

[5] Nayyereh Ayati, Parisa Saiyarsarai and Shekoufeh Nikfar, Short and Long Term impacts of Covid-19 on the Pharmaceutical Sector, (23 Oct, 2021, 6:15 PM), https://link.springer.com/article/10.1007/s40199-020-00358-5
[6] *Ibid.*

are making an attempt to combat these impacts as far as possible. This becomes more crucial for India so as to ensure that its roots are not shaken in the global market.

The pandemic has made the global leaders reconsider their strategies and planning for ensuring world order. Having skilled scientists and engineers, knowledge and low-cost production of generic drugs makes it imperative that India do have a chance to gain benefits from this restructuring which is happening across the major countries of the world.

PATENT ON PHARMACEUTICAL PRODUCTS AND HUMAN RIGHTS- IS THE LATTER PROTECTED?

Today technology has become an integral part of our lives. It is the greatest contribution made by science. It has within its ambit researches, designs, and manufacturing. It is impacting the whole world. But this changing world is creating scope for an unpredictable environment.

The pharmaceuticals are now being commercialized. This makes it necessary for pharmaceutical firms to get protection for their inventions by way of patents. Pharmaceuticals have significantly contributed to improving the health and standard of living of the people in the country. However, the TRIPS Agreement allows only the holder of the patent to exploit his invention. This makes it unavailable for the public to access. However, it allows the use, creation and exploitation of the invention by anyone other than the inventor himself.

Patents are granted to the inventors of a drug or medicine as a monopoly right to safeguard their products. A lot is being spent by the big nations to improve the standard of living of people and guarantee a long life. This has made the pharmaceutical sector even more in demand. The TRIPS Agreement granted the right to patent both the product as well as process patents. The former provides protection to the product invented absolutely, while the latter protects the technology and the process which is involved in the production of an invention from any kind of exploitation or abuse. TRIPS Agreement has certain drawbacks as well. It has increased the prices of the

drugs manufactured. However, the current patent regime is aiding Indian pharmaceutical industry to flourish and reach new heights[7].

RIGHT TO HEALTH- A FUNDAMENTAL RIGHT

Article 21 of the Constitution of India guarantees the right to life to every person. This Article has also taken the right to health under its broad ambit. There is enough evidence to say that access to medical treatment and the right to health are the important features of the right to life and it is the responsibility of the government to ensure that every citizen in the country has the access to medicines and drugs. Since the right to health has been recognized as a fundamental right under the broad ambit of Article 21 it is the constitutional obligation of the state to protect it. The Constitution also encourages maintaining a balance between economic and social rights. Hence, it becomes important that a balance is maintained between the interests of the pharma firms and the public health, both cannot be compromised.

The Ayyangar Committee opined that the grant of monopolistic rights on patents may deny the right of the people to get access to drugs and medicines. Hence, such policies violate the Indian Constitution. It is crucial to meet the needs of the people living in India rather than meeting the needs of the innovators who are foreign nationals.

It is widely believed that the new patent system introduced in the entire world alike leads to the creation of drugs and pharma products which are very costly and not easily accessible to everyone. This results in a crisis like a situation where people are not getting access to medicines and their right to health is getting violated[8].

IMPACT OF TRIPS ON PHARMACEUTICAL PATENTS

The main objective for implementation of the TRIPS Agreement was to ensure that the IPRs are protected which in turn will enhance technological innovation so that both the producers and the consumers are benefited. It will ensure economic welfare by and won't neglect social welfare as

[7] Akshay Anurag, Pharmaceutical Patent and Healthcare: A Legal Conundrum, (24 Oct 2021, 3:30 PM), https://www.scconline.com/blog/post/2019/09/03/pharmaceutical-patents-and-healthcare-a-legal-conundrum/
[8] *Ibid.*

well. It was intended to provide both long- and short-term benefits. By granting patients to private firms, their indulgence in research and development increases for the treatment of diseases. This results in new inventions taking place.

However, initially the developing and the underdeveloped countries were against the implementation of the principles of the Agreement in their domestic legislation as they considered it to be unfavourable to them as it would increase the cost of pricing thereby making the medicines and drugs out of the accessibility of the people. They were of the opinion that the cure for diseases can be obtained by other means as well.

Now, if we take a closer look at the domestic legislation, we see that the 1970 Act on Patent only protected the process patent and not the product patent. This was in favour of both the producers as well as the general public. There was also a smaller number of multinational firms existing in India. There were fewer patent applications filed by foreign residents. There was the growth of domestic drug manufacturing firms. By changing the process of production, the Indian firms were allowed to manufacture an already existing drug and even sell it in the market. This ensured that the prices for manufacturing drugs were low and that the drugs are available to people at large. However, with the implementation of the TRIPS Agreement, there was a disruption in the Indian practice. India being a member of WTO had to abide by the principles of TRIPS Agreement in its domestic legislation. This led to a change in the patent regime in India by the year 2005.[9]

RIGHT TO HEALTH UNDER THE NEW PATENT REGIME

Even though the bargaining for TRIPS is often not considered to be beneficial to the developing and the under developed countries, it cannot be fully denied that indeed TRIPS has some benefits. There are various provisions in the Agreement which proves that indeed TRIPS had shown some liberal treatments towards these countries. It must be noted that the intention of the TRIPS was to balance the rights and obligations of the patent holders or the inventors for ensuring the attainment of public policy goals as well as meeting the needs of the people. The

[9] *Ibid.*

provisions which prove the liberal treatment of the Agreement towards the developing and the underdeveloped countries are mentioned below:

i. Article 7 attempts to strike a balance between economic and social welfare along with innovations.

ii. Article 8 allows the States to take such steps for ensuring public health and promoting technological developments and economic achievements.

iii. Article 27(2) allows a nation to impose restrictions on the patentability of an invention on specific grounds.

iv. Article 30 allows the nations to impose exceptions limited to a certain extent on the exclusive rights which are conferred on a person.

v. Article 31 lists the provisions where the nations are allowed to use the invention without the permission of the holder of the patent[10].

TRIPS AND EXCLUSION OF PATENTS

The literal rule of interpretation provides for the dimensions of human rights towards the exclusions. The same must be used for interpreting and understanding the exclusion concept of patentability. The Agreement has upheld the right of social welfare and public health as enshrined by the Constitution of India in various ways:

COMPULSORY LICENSING

The increase in the scope of the grant of patent and the newly introduced product patent regime made the provisions for compulsory licensing a matter of great importance. In common parlance, compulsory licensing means the permission granted to a person other than the holder of the patent to use the invention without the permission of the patent holder. It can be said to be a contract between a buyer and a seller, where the buyer is interested but the seller is not and hence, law enforces the same.

[10] *Ibid.*

Compulsory licensing is not expressly defined in the Agreement. But, by looking at Section 31 which provides for other use without the permission of the patent holder, we can infer that this 'other use' includes a compulsory licensing system. The countries were left with the option to decide upon this. However, they were supposed to ensure that the true interests of the inventor do not get hampered or affected due to the grant of a patent to another person for commercial purposes without his knowledge or permission.

The National IPR Policy which was initiated by the Indian Government in 2016 ensures that a balance is maintained between the rights of the patent holder as well as the general public. Moreover, the scope of the system of compulsory licensing has further been enlarged by the Amendment introduced in 2017. It provides for meeting the needs of other countries as well by the grant of compulsory licensing. This was because the invention which has been granted patent must be used for the protection of the health of the public and must ensure the promotion of public interests. In other words, to access the benefits of an invention which has been patented, compulsory licensing is granted on the patent.

The grant of compulsory licensing is exclusively granted in the Indian Patent Act under sections 82 to 94. The Controllers of Patents are allowed to issue licenses for patents in particular circumstances which are provided under Sections 84, 91 and 92.

The organization of healthcare in countries like India has at times led to the violation of the fundamental rights of the citizens. The majority of the Indian population is poor and is not getting access to healthcare benefits, which in turn is neglecting justice to all. The future of public health depends upon the pharmaceutical firms and their response to the TRIPS Agreement. There has to be the local working of patents to be encouraged, which means that a patented product or a process is manufactured in the local industry. This will ensure technological development and also economic welfare.

India needs to formulate legislation to suit its economic and social needs more prominently. There must be changes in the patent legislation to ensure access to medicines is not denied to the poor population of India. In cases of pandemics and epidemics such as the one India is facing now, a legal regime giving due importance to health will help in fighting the situation to a great

extent. Some drugs which have the capacity of saving lives must be allowed to be parallel imports. Compulsory licensing should be used to a great extent as and when required. These steps may prove to be beneficial for the country in the time of the pandemic as well as in the long run.[11]

PATENT AND VACCINES FOR TREATMENT OF COVID-19

The access to vaccines for the treatment of the deadly Covid-19 is far from over even though it has created havoc for a year now and is still keeping the world at threat. Countries all over the world are making attempts to produce a vaccine to get rid of this threat to the entire mankind.

The pandemic apart from taking lives has led to a debate on the issue of grant of patent protection to the inventors of the vaccine for the treatment of the deadly virus. The countries are divided into two parts whereby some countries are of the opinion that the patent rights must be waived off for those drugs which can be used as a vaccine for treatment against Covid-19, while the rest of the countries contradict this opinion. This leads us to the question of why this debate is at all being going on?

On the contrary, the fact remains unchanged that the grant of exclusive rights to an invention ensures the wider availability of the inventions. Removal of patents won't make it easier for countries to get access to vaccines. By granting monopolistic rights to an inventor, he is also made to reveal the process he used to produce the vaccine in the public domain. In case of the absence of a patent, a situation may arise whereby an inventor may not reveal the procedure he adopted from making the vaccine. Even if he reveals, there might be other issues faced by the poor countries such as lack of technology or lack of such financial capacity to make such vaccines.[12] Hence, the nation's capable of producing the vaccines must provide them to the nation incapable of doing so. There may happen to be situations where vaccines don't reach the

[11] *Ibid.*
[12] Professor Andrew Christies, Why we should grant patents on Covis-19 vaccines, (25 Oct, 2021, 3:30 PM), https://pursuit.unimelb.edu.au/articles/why-we-should-grant-patents-on-covid-19-vaccines

poor people at subsidized rates due to the presence of a corrupt government. If the patent holder has a right over his invention, he may be able to check this[13].

A campaign "People's Vaccine" is going on for a temporary waive off of the Covid-19 vaccine. It is also getting the support of the NGOs. The campaign aims to remove intellectual property protection till the pandemic is eradicated. However, similar to any other campaign, this campaign also has governments against it. The suggestion given by them as an alternative to the aim of the campaign is to increase licensing of patents. This will enable many companies to produce vaccines by making a payment to the patent holder company[14].

Developed countries have also initiated a scheme "COVAX" to ensure that the vaccines reach the needy population of the world by the end of 2021.

India considers Covid-19 as a global pandemic causing a threat to the entire mankind. Therefore, it is in favour of lifting the patent protection on Covid-19 vaccines. It has restricted the use of statutory powers on the grant of patents at the domestic level. The Central Government had stated that the Patent Act won't be invoked at this time because the country is also having diplomatic affairs for procuring vaccines to treat people suffering from Covid-19. The Apex Court was of the opinion that compulsory licenses should be allowed to produce generic versions of the vaccines. The government was also criticized for not taking adequate steps to ensure rapid production and distribution of Covid-19 vaccines in the country.[15]

In response of the allegations, Central Government said that there is a shortage of raw materials which are required for producing the vaccines. An US patented drug, Remdesivir was allowed to be manufactured by seven manufacturers based in India in 2020[16]. Moreover, the government is

[13] Natalie Stoianoff, Whoever invents a coronavirus vaccine will control the patent- and importantly, who gets to use it, (25 Oct, 2021, 6:30 PM), https://theconversation.com/whoever-invents-a-coronavirus-vaccine-will-control-the-patent-and-importantly-who-gets-to-use-it-138121
[14] Nature 592, Its time to Consider a Patent Reprieve for Covid Vaccines, (25 Oct, 2021, 6:30 PM), https://www.nature.com/articles/d41586-021-00863-w
[15] Bhadra Singha, Invoking Patents Act for production of Covid vaccines, drugs can have consequences: Govt to SC, (26 Oct, 2021, 10:30 PM), https://theprint.in/judiciary/invoking-patents-act-for-production-of-covid-vaccines-drugs-can-have-consequences-govt-to-sc/655863/
[16] Pratik Avhad, The Indian Pharmaceutical Industry: a Bright Future awaits, (27 Oct, 2021. 10:15 AM), https://blogs.deloitte.co.uk/health/2020/10/the-indian-pharmaceutical-industry-a-bright-future-awaits.html

continuously making efforts to ensure that there is an increase in the supply of raw materials so that the rate of production also increases.

The nations are free to use a patented invention for public welfare even if the holder of the patent is a private entity. This is allowed in cases of emergencies. This can be done by using the system of compulsory licensing.[17] India therefore might opt for the system of compulsory licensing till WTO agrees and allows waiving of the patent on Covid-19 vaccines.

CONCLUSION

The Marrakesh Agreement which led to the establishment of WTO, under Article IX.3 provides the right of member countries of WTO to waive off an obligation which has been imposed upon it in case of 'Exceptional Circumstances. The term 'Exceptional Circumstance' does not find a definition anywhere in the WTO Agreement. But it can be implied that it means and includes circumstances similar to the one the world is facing now. The Covid-19 pandemic has affected the health of the people globally. It is necessary for the countries to find ways to produce more vaccines and distribute them worldwide. Meeting the requirements of TRIPS in such trying situations may not be possible. The waiver will enable the countries having the means to develop vaccines to export them to countries that lack such means without any objection by the WTO.

An 'Open Covid Pledge' makes the Intellectual Property available for an open license. Open licensing has been in existence for years now. If we take into consideration the current pandemic situation, then if the pledge gets signed by both the public and the private companies who are working hard to develop a Covid-19 vaccine, it will indeed give positive results. It will also help in acceptance of open licenses as a practice even after the pandemic gets over.

The aim of the global community in 2021 has been to eradicate Covid-19 which is possible only if people get vaccinated soon. There is a need to increase the production of vaccines. The decision of waiving off patents on Covid-19 vaccine is crucial and must be accepted and allowed. It may not enable fast access of vaccines to all but will definitely ensure access in days

[17] Shambhavi Sinha, Should India grant Compulsory Licenses to Increase the Supply of Vaccines, (27 Oct, 2021, 1:30 PM), https://thewire.in/health/india-patent-law-compulsory-licenses-covid-19-vaccines

to come. It cannot be denied that competition aids in improving research and development but at times such as the one world is facing now these aspects must be kept aside for the greater benefit of mankind[18].

Simply waiving off IP protection won't serve the purpose. There is also a need to develop the capacities of the countries to produce them at large scales. Efforts like COVAX will also not serve the purpose single-handedly. Therefore, it can be concluded that there is a need for a global approach to ensure that the vaccine reaches every corner of the world.

[18] Prabhash Ranjan, The Case for Wiving Intellectual Property Protection for Covid-19 Vaccines, (27 Oct, 2021, 6:45 PM), https://www.orfonline.org/research/the-case-for-waiving-intellectual-property-protection-for-covid-19-vaccines/