



Urgent COVID-19 Response: Global Access, Innovation and Cooperation For Essential Medicines

Public Citizen's [Access to Medicines Group](#) works with partners worldwide to challenge the monopoly power of the pharmaceutical industry. We analyze developments in law, propose new policies, lobbies, build coalitions and provide technical assistance to make medicine affordable for all.

We help lead global civil society activism to ensure that everyone everywhere has access to the tests, treatments, protective equipment and vaccines they need to stay healthy for the course of the coronavirus pandemic.

There is a grave danger that effective COVID-19 vaccines will not be available to most people worldwide until long after they are first developed. Many people could die, and the world's most fragile economies may suffer enduring hardship, due to treatment rationing and nationalist hoarding. Treatment and vaccine development and rollout are likely to be inhibited by insufficient production, fragmented supply lines, inadequate science and high prices, all driven in part by longstanding pharmaceutical monopolies and corporate secrecy.

We must prevent this – and help change medical innovation, health and nationalism – by moving corporations, health agencies and governments to rapidly share medical technology, invest in public manufacturing capacity and promote access for all.

Public Citizen will make a major difference in the pandemic response. We will work to inspire governments and international organizations to accelerate better treatments and vaccines by pooling their data and research tools. We will motivate scaled up manufacturing capacity; sorely needed not only for masks and ventilators but also for a successful vaccine. Today's limited capacity could yield a vaccine apartheid, with the world's poor waiting long after the privileged inoculate themselves. We will fight to protect low-income workers and the uninsured from treatment rationing for their ongoing health needs, such as diabetes and asthma, which will become more acute through financial hardship. We will work to ensure that tests, treatments and vaccines are affordably priced to governments and free to the people.

We're leading the global campaigns for access to COVID-19 vaccines and treatments through the following bodies of work:

1. Coordinating the access community response;
2. Building antimonopoly campaigns;
3. Fighting for legislation that protects people;
4. Supporting open technology platforms; and

5. Challenging pandemic profiteering.

Coordinating the Access Community Response

Public Citizen is among several groups helping organize global access activity and providing a vision for cooperation. We conceptualized and negotiated consensus [principles for global access, innovation and cooperation](#) that challenge the emerging narratives of nationalism. More than 250 organizations signed. We provide critical platforms: we build lists, facilitate calls, develop sign-on letters and suggest ways to combine resources. We connect allies that we know need to be in conversation. We look out for partners whose first language is not English or may have otherwise missed an invitation. (We are integrating Latin American partners in our response.)

Building Antimonopoly Campaigns

Coronavirus treatments and vaccines will be monopoly controlled unless we intervene. Even if government agencies spend to make them free or affordable to individuals, new products likely will not be affordable to those government agencies in the first place. Public programs may be forced to ration or spend down their limited budgets. Production likely will be inadequate to provide timely access to all who need it, especially globally, and the rich will buy their way to the front of the line. At the same time, pandemic hardships are likely to make it harder for people to afford even basic medication and make overdoses and preventable deaths of despair more frequent. Low-income workers and the uninsured will be at especially great risk.

Government must step up. The U.S. government can ramp up manufacturing capacity with the Defense Production Act, insert reasonable pricing clauses in its contracts and clear patent barriers with 28 USC 1498 (government use of patents in exchange for reasonable royalties to patent holders). It can protect against shortages of basic medicines, block price spikes and accelerate the science. To do so, government has to say no to the pharma lobby. And while time is short, federal action even early in a next administration would make a world-changing difference to global vaccine access and mitigating hardship and shortages in the United States.

We will work with allies on a grassroots-powered campaign to call on the federal government to lift the monopolies and exercise its manufacturing authority. Separately, we will call consistently on the federal government to improve its existing responses. For example, the National Institutes of Health recently announced a major collaboration with top prescription drug corporations to softly encourage the sharing of new science and production methods. This is important, but not nearly enough. Absent our voice, expert commentary would likely accept this status quo. But we already have written NIH Director Francis Collins urging him to make access, affordability an open science pillars of this initiative. While the Trump administration is a hard target, if we raise the expectations of expert observers, we can influence improve the federal response.

Fighting for Legislation that Protects People

Congress is negotiating COVID-19 stimulus packages. Our lobbyists are working to see inserted clauses that:

1. Scale-up the development of public pharmaceutical manufacturing capacity and require the administration to produce medicines in shortage and potential treatments and vaccines once early efficacy has been shown, at reasonable prices. If necessary, also appropriate additional funds to install equipment at private manufacturing facilities needed to scale up treatment and vaccine production, with terms requiring such facilities to sell treatments and vaccines at reasonable prices.
2. Ensure reasonable pricing and competition by:
 - (a) Requiring reasonable pricing terms and conditions in all contracts, funding agreements, licenses and other arrangements relating to coronavirus research and development.
 - (b) Requiring any coronavirus license granted by the government to be nonexclusive.
 - (c) Requiring grant recipients to issue nonexclusive licenses for any coronavirus technology developed under a funding agreement, and for the federal government to issue such licenses if the grant recipient refuses.
 - (d) Creating a downstream reasonable pricing requirement for any treatment or vaccine used to treat or prevent a disease or disorder that presents a public health emergency, with a remedy of compulsory licensing (both CLs for patents and waiving or voiding exclusivities).

This is part of progressive coalition efforts to make the stimulus protect people, not just corporations. We are pressing to ensure that new protections extend to the uninsured. Here and in future legislative fights over the course of the pandemic, we can make a bigger difference by adding an organizer to our program, to rally public demand that reasonable pricing and increased manufacturing capacity be part of the response.

Supporting Open Technology Platforms

Access to medicines advocate James Love conceived, and Costa Rica subsequently proposed, the creation of an open technology platform at the World Health Organization (WHO). The platform would make available data, know-how and patented inventions to researchers, governments and all qualified manufacturers. This could significantly improve and accelerate medical innovation responsive to COVID-19 and help ensure that treatments and vaccines are affordable and manufactured in adequate supply. The WHO has expressed its interest. Unitaid is prepared to help implement the proposal. The Netherlands has indicated its support. In order for the platform to succeed, more powerful countries must indicate their support and license key technologies to the WHO.

We will build support among expert observers and in Congress for the proposal, to at least weaken any U.S. opposition and so that the next U.S. administration will quickly throw its support behind it. We will also work with advocacy groups in key countries that can lobby to help bring those countries on board. The WHO platform need not be complicated: the purpose is simply to put technology in the public domain and allow manufacturers to draw on it quickly, to clear any proprietary barriers to manufacturing on a massive scale.

Challenging Pandemic Profiteering

The pharmaceutical industry's hubris is appalling. California-based Gilead Sciences sought and won lucrative government benefits, intended only for rare disease treatments, for its already publicly-funded candidate COVID-19 treatment – for which Gilead expects tens of millions of paying patients. We organized and denounced the abuse, helping force Gilead to back down within 48 hours. The uproar touched off congressional resistance to pandemic profiteering, including in the stimulus legislation. We

will regularly challenge such corporate abuses through media work and organizing. This can, sometimes, lead corporations to change their practice. More importantly, it dramatically illustrates serious problems and generates demand for policymakers to fix them.

We will call on the heads of all the major prescription drug corporations to halt all price spikes through the course of the pandemic. It is the absolute least the corporations should do. Yet many may resist the call. We will work with partners at the Interfaith Center on Corporate Responsibility as they raise the same ask around shareholder meetings. We will report on corporate failures to reply and any price spikes they announce, typically on July 1st. We will lobby government to control price spikes (we have legislation ready, with Sen. Sherrod Brown of Ohio and others), get much tougher on pharma and protect access to the basic medicines people need.

Partners/Landscape

We work in coalitions nationally and globally. Globally, we moderate the COVID-19-access listserv, which now counts 500 subscribers, most of them pharma expert activists, representing many dozens of countries on every continent save Antarctica. Nationally we moderate rx-allies, which consists of about 250 expert observers focused on U.S. drug pricing. We host regular meetings of both groupings, as well as many subgroupings. We also intend to work closely on movement coordination with the European Alliance for Responsible R&D and Affordable Medicines and the Latin America-Caribbean Alliance for Access to Medicines (the “Alianza”).

We do this work because the world is different for it. Each year we change policy and the balance of power in ways that will improve people’s lives. Now, perhaps, our movement’s work may be more needed than ever. It may be difficult to measure some of the outcomes: when Gilead sets a price for remdesivir, how much lower is it for our influence? Certainly, Gilead will not say. But typically, we can track progress in legislation, in policy change and the occasional clear public victory attributable directly to our intervention. Certainly, we will have publications, ample press, filings with governments and the faith of our partners as testament to the work. But none of this is the goal. Our goal can be nothing less than timely access to tests, treatments, protective equipment and vaccines for everyone, everywhere who needs them to stay healthy – until the pandemic is over.