



Katherine J. Duncan
President, IEEE-USA

20 July 2021

The Honorable Katherine C. Tai
U.S. Trade Representative
600 17th St. N.W.
Washington, D.C. 20508

Dear Ambassador Tai:

IEEE-USA applauds the Biden administration's efforts to date to bring a speedy, safe, and equitable end to the COVID-19 pandemic, both in the United States and abroad. IEEE-USA shares the same goals as the administration in this regard, which includes effectively and efficiently rolling out and distributing safe and effective vaccines and non-vaccine technology to all Americans, as well as our allies around the globe.

IEEE-USA respectfully asks that the United States oppose the proposed TRIPS waiver being discussed at the World Trade Organization.

As currently drafted, the proposed TRIPS waiver is not necessary to accomplish the administration's goals. Instead, the proposed waiver would likely have numerous unintended consequences that would impact a multitude of U.S. industries, including many employing IEEE's members, and would set a dangerous precedent that would delay innovative solutions to future global emergencies.

The proposed waiver would impact a variety of intellectual property "in relation to . . . prevention, containment or treatment" of COVID-19. The proposed waiver presumes that intellectual property protections are a barrier to treating and eradicating COVID-19. However, it does not cite any examples where IP protections have delayed development or distribution of COVID-19 treatments or vaccines. Indeed, strong IP protection provided industries in the United States with the incentive to innovate and develop new solutions to address, mitigate, and prevent the human suffering and horrible loss of life associated with current pandemic.

We understand that the pandemic is not yet at an end and that more work needs to be done. Unfortunately, approving the proposed IP waiver would remove an important incentive for those industries to continue developing innovative solutions to completely eradicate COVID-19.

IEEE-USA is particularly concerned that the open-ended nature of the proposed

waiver, which includes virtually any IP that would be even tangentially related to the “prevention, containment or treatment” of COVID-19, would have numerous unforeseen consequences that would negatively impact its members. The proposed waiver would impact not only IEEE-USA’s members who are involved in developing software, devices, and systems used to diagnose and treat COVID-19 but would also impact its members who work on technologies related to COVID-19 diagnosis and treatment. For example, the waiver could also extend to intellectual property related to the operating systems that run a COVID-19 diagnostic smartphone application. It would also potentially impact intellectual property rights for medical devices developed by American inventors that were initially designed for other uses and are now being used to treat COVID-19. The proposed waiver has the potential to stifle innovation in these critical sectors where there is no evidence that intellectual property protections have been a barrier to the development of COVID solutions.

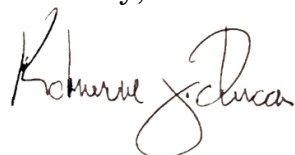
Having strong IP protection was one of the reasons why the United States response to the COVID-19 pandemic has been as successful as it has been. Eliminating those protections now by agreeing to the proposed TRIPS waiver would put a multitude of U.S. industries, including many employing IEEE’s members, at risk of suffering from many unintended and unforeseen consequences. Doing so would set an unnecessary precedent when future emergencies arise that would reduce a myriad of industries’ incentive to quickly mobilize to find solutions in those circumstances.

For these reasons, IEEE-USA respectfully asks that the United States oppose the proposed waiver.

IEEE-USA represents nearly 170,000 engineers, scientists, and allied professionals whose livelihoods depend on American technology companies and their domestic research and development operations. Our members work for large and small companies, and as individual inventors or entrepreneurs, all depending on a strong American patent system.

We thank you for your attention to these important matters. If we can be of any assistance, or if you have any questions, please do not hesitate to contact Erica Wissolik at (202) 530-8347 or e.wissolik@ieee.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine J. Duncan". The signature is fluid and cursive, with the first name being the most prominent.

Katherine J. Duncan
President, IEEE-USA