WHO Pandemic Agreement:
Pros and Cons for U.S. Innovation

In October 2023, the World Health Organization (WHO) released a draft of the WHO Pandemic Agreement, which seeks to negotiate a global consensus on how best to strengthen pandemic prevention, preparedness and response (PPPR). As drafted, the negotiating text included both positive and negative implications for global health and biopharmaceutical innovation. To achieve its goal of ensuring that the world is better prepared for future pandemics, it is critical that the PPPR agreement does not undermine biopharmaceutical innovation and collaboration.

Efforts that Support Global Health and Innovation

Drawing on lessons learned from COVID-19, the agreement should offer a multifaceted strategy for protecting global health in the face of emerging crises. This includes:

- **A "One Health" approach to overall pandemic preparedness within and among WHO countries, including multilateral public health surveillance efforts necessary for the early detection of threats and collaboration across relevant actors.**
- **Swift approvals and authorizations that ensure the safety of pandemic-related products, as well as international collaboration on the formulation of cost-effective measures for essential pandemic tools, like personal protective equipment.**
- **Strengthening country health systems and workforces with the aim of increasing resilient capacities for emergency response.**
- **Enhancing science and public health literacy to help combat misleading or false health information.**

Measures that Undermine Biopharmaceutical Innovation and Collaboration

The draft agreement includes measures that would hinder research and development (R&D) necessary for the proliferation of lifesaving vaccines and therapeutics, exactly like those that played a vital role in ending the COVID-19 pandemic. **If approved, equitable access to pandemic-related products would be limited, running counter to the fundamental goal of the agreement:**

- Worrisome proposals related to innovation, such as automatic "time bound waivers of intellectual property rights" and mandating the use of TRIPS flexibilities that strip innovators of intellectual property rights.

- Calling for blanket transparency of clinical trial results and government-funded R&D agreements, which pose significant risks to the public disclosure of trade secrets, especially for small and medium sized enterprises that are more likely to seek public funding for R&D.

- Provisions calling for manufacturers to "share undisclosed information … with qualified third-party manufacturers" that fail to underscore the need for any technology transfer to be voluntary and under mutually agreed upon terms.

- A transactional approach to pathogen access and so-called benefit sharing that could delay access to pathogens and genetic sequence data, as well as a proposed global supply chain and logistics network that would erode commercial confidentiality and significantly burden manufacturers.

Collectively, these measures would impede the R&D and partnerships that power innovation. **With these harmful provisions, the WHO is attempting to regulate and interfere with the biopharmaceutical business model instead of working with the private sector.**

The WHO and its member states have an opportunity to help the world prepare for and protect itself from devastating global health emergencies. To deliver on the goal of collaborating to protect public health, global leaders must use the COVID-19 pandemic as a guide and align policies that foster an ecosystem that bolsters innovation and collaboration.