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Q5(c)

Explain India's position on the waiver of intellectual property rights on COVID-19 vaccines in WTO.

UPSC Civil Services Mains 2021 · PSIR GS 2 · 10 marks · Recent developments in Indian Foreign policy

Recent developments in Indian Foreign policy: India's position on the recent crisis in Afghanistan, Iraq and West Asia, growing relations with US and Israel; vision of a new world order.

Core demand of the question

- Discuss India's position at the WTO on a COVID-19 vaccine intellectual-property waiver
- Keep the answer within a 10-mark length

Revision summary

India and South Africa tabled a COVID **TRIPS** waiver in 2020.

The claim was that patents blocked scaled production of vaccines and treatments.

Doha public-health language was the legal-moral precedent.

Compulsory licensing was judged too cumbersome for a global shock.

Rich-country resistance narrowed the outcome; the Indian position stayed pro-waiver.

Introduction

In October 2020 India and South Africa asked the WTO **TRIPS** Council to waive certain intellectual-property rules on COVID-19 vaccines, diagnostics, and therapeutics. India's position was that patents were blocking scale in a pandemic.

Body**The demand**

- A time-limited waiver of **TRIPS** obligations on patents, designs, and undisclosed information for COVID health products.
- **Compulsory licensing** under existing **TRIPS** was called too slow and too narrow when many countries needed to produce at once.
- The aim was technology transfer and generic manufacture, not a permanent abolition of IP.

India's argument

- Public health emergency overrides ordinary rent from patents, in the spirit of **Doha 2001** on **TRIPS** and public health.
- Vaccine nationalism and advanced-country buying left the Global South short.
- India as a pharmacy of the South claimed both capacity and a duty to supply.

The politics of the file

- Many developed members resisted a broad waiver. The United States later backed a narrower vaccine-focused discussion.

- A 2022 Ministerial compromise was thinner than the original India-South Africa text. The 2021 question is the demand, not that later deal.

Link to IR

- **The episode is Cox-style:** whose property regime a global institution serves in a crisis.

Flow diagram

India South Africa 2020 -> TRIPS waiver proposal
TRIPS waiver proposal -> Vaccines diagnostics therapeutics
IP holders rich members -> Opposition delay
TRIPS waiver proposal -> Opposition delay

Conclusion

India, with South Africa, sought a **TRIPS** waiver so that COVID vaccines and related tools could be produced widely. The position treated IP as a barrier in a pandemic, not as an untouchable right. WTO consensus made the original wide waiver hard to land.

Facts & figures

India-South Africa 2020

Joint communication at the WTO TRIPS Council seeking a waiver for COVID-19 health technologies.

TRIPS

WTO intellectual-property agreement whose patent rules were the target of the waiver.

Doha 2001

Declaration on TRIPS and public health, cited as the precedent that IP should not block medicines in a crisis.

Compulsory licensing

Existing TRIPS flexibility that India argued was insufficient for simultaneous global scale-up.