Government Support for COVID Medicines

Global IP Congress
October 5, 2020

Zain Rizvi
Law & Policy Researcher
Public Citizen
Vaccines
Vaccines

- Seven billion people may need a vaccine (potentially up to 14 billion doses)
- 11 have entered late-stage clinical trials
  - mRNA-1273 developed by Moderna (*) is among the leading candidates
- Sharing knowledge could expand supply among qualified manufacturers
BARDA Funding Tracker

Tracker Details Billions in Taxpayer Funds Supporting COVID-19 R&D Efforts

JULY 5, 2020
## COVID-19 BARDA Funding Summary

<table>
<thead>
<tr>
<th>Type of Product</th>
<th>Count</th>
<th>Total Awarded</th>
<th>Average Award</th>
<th>Lowest Award</th>
<th>Highest Award</th>
<th>Proportion of Total Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagnostic</td>
<td>36</td>
<td>84,701,419</td>
<td>2,732,304</td>
<td>111,090</td>
<td>13,692,370</td>
<td>0.6%</td>
</tr>
<tr>
<td>Therapeutic</td>
<td>9</td>
<td>945,556,899</td>
<td>105,061,878</td>
<td>7,200,000</td>
<td>617,724,874</td>
<td>7.1%</td>
</tr>
<tr>
<td>Vaccine</td>
<td>8</td>
<td>11,064,025,492</td>
<td>1,383,003,187</td>
<td>38,033,570</td>
<td>2,479,894,979</td>
<td>83.1%</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>37,926,044</td>
<td>7,585,209</td>
<td>592,791</td>
<td>34,893,033</td>
<td>0.3%</td>
</tr>
<tr>
<td>Vaccine Administration</td>
<td>8</td>
<td>391,486,985</td>
<td>55,926,712</td>
<td>432,990</td>
<td>204,000,000</td>
<td>2.9%</td>
</tr>
<tr>
<td>Rapidly Deployable</td>
<td>4</td>
<td>7,517,153</td>
<td>1,879,288</td>
<td>720,000</td>
<td>3,833,363</td>
<td>0.1%</td>
</tr>
<tr>
<td>Capabilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaccine/Therapeutic</td>
<td>2</td>
<td>788,000,000</td>
<td>394,000,000</td>
<td>160,000,000</td>
<td>628,000,000</td>
<td>5.9%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>13,319,213,992</td>
<td>201,806,273</td>
<td>111,090</td>
<td>2,479,894,979</td>
<td></td>
</tr>
</tbody>
</table>
New Results

SARS-CoV-2 mRNA Vaccine Development Enabled by Prototype Pathogen Preparedness


doi: https://doi.org/10.1101/2020.06.11.145920

Competing Interest Declaration

The NIH claims joint ownership of Moderna's coronavirus vaccine

The National Institutes of Health may own intellectual property that undergirds a leading coronavirus vaccine being developed by Moderna, according to documents obtained by Axios and an analysis from Public Citizen.

Why it matters: Because the federal government has an actual stake in this vaccine, it could try to make the vaccine a free or low-cost public good with wide distribution, if the product turns out to be a success.
Moderna reveals it may not hold patent rights for coronavirus vaccine

Modern said in new financial filings that it "cannot be certain that we were the first to make the inventions claimed in our patents or pending patent applications" — including the company's experimental coronavirus vaccine.

Why it matters: This disclosure comes six weeks after Axios and Public Citizen highlighted how the National Institutes of Health may hold joint ownership claims for this particular vaccine.

What they’re saying: Moderna, which had not included this language in previous quarterly investor reports, added that "publications of discoveries in the scientific literature often lag behind the disclosure of experimental data."
The federal government should use its authority to ensure the vaccine, if proven safe and effective, is available to everyone in the U.S. and around the world. Domestically, this includes:

1. In cases where the federal government has ownership rights but Moderna does not, it should nonexclusively license the rights and condition use of its technologies on ensuring reasonable pricing and sufficient supply. [40]

2. In cases where there is joint ownership, the government should license the technologies to competitors; and

3. If there are patented technologies the U.S. government does not own needed to produce the vaccine, then the government should exercise its general, preexisting authority to use any patented invention in exchange for appropriate royalty payments to the patent holder. [41]

Globally, the government should share its intellectual property and know-how with the World Health Organization's COVID-19 Technology Access Pool. [42] This would allow manufacturers from around the world to help scale-up production and prevent rationing. If the vaccine proves safe and effective, it should be available to everyone as quickly as possible.
Congress has appropriated nearly ten billion dollars to support development and manufacturing of COVID-19 diagnostics, treatments and vaccines.[1] Governments around the world are spending billions more.[2] In this report, we use five case studies to trace the role of public funding for COVID-19 vaccines. We focus on the corporations that the Trump Administration has reportedly selected as the most likely to produce a COVID-19 vaccine.

The stories are remarkably similar. To varying degrees, the public has helped fund new ways of designing vaccines (“platform technologies”). These technologies are now being used to develop COVID-19 vaccines, with significant taxpayer support each step along the way.[3] The public is paying for research, development, and manufacturing—with no strings attached. More funding is imminent.[4] Yet unless the government requires these corporations to make these vaccines essentially public goods, a proven vaccine may not reach everyone who needs it.