

Dr Francis Gurry,  
Director General, World Intellectual Property Organization,  
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3 April 2020

Dear Dr Gurry,

We write to you as organisations and individuals representing researchers, educators, students, and the institutions that support them, to encourage WIPO to take a clear stand in favour of ensuring that intellectual property regimes are a support, and not a hindrance, to efforts to tackle both the Coronavirus outbreak and its consequences.

The COVID-19 pandemic has shone a bright light on how important intellectual property limitations and exceptions can be to development and human flourishing. Researchers discovered the spread of the virus through a text and data mining project analysing copyrighted news articles<sup>1</sup>, enabled by Canada's flexible fair dealing right for research purposes. The earliest potential treatments have been developed through existing medicines, enabled by experimental use exceptions to patent rights.

Now, schools, universities, libraries, archives, museums and research institutes across the world, forced to close their buildings, are transferring materials online and providing remote access, but only where copyright laws permit. However, these and other critical activities to overcome the crisis are not being performed everywhere - including where subscriptions have been paid in advance - because they are not lawful everywhere.

We have seen helpful steps from a number of countries, and from some right holders themselves, to facilitate access to academic articles and other works, educational and cultural materials, research data, chemical libraries, and needed medicines and medical devices that are subject to intellectual property rights. These steps are to be lauded. But much more is needed. And WIPO can help lead the way.

We urge you to use your position as the leader of the global intellectual property system to take urgent action to guide Member States and others in their response to intellectual property issues that the coronavirus is raising. These steps should include:

- Encouraging all WIPO member states to take advantage of flexibilities in the international system that permit uses of intellectual property-protected works for online education, for research and experimental uses, and for vital public interests, such as access to medicine and culture;

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<sup>1</sup> See Eric Niiler, An AI Epidemiologist Sent the First Warnings of the Wuhan Virus, Wired, 25.01.2020, <https://www.wired.com/story/ai-epidemiologist-wuhan-public-health-warnings/>

- Calling on all right holders to remove licensing restrictions that inhibit remote education, research (including for text and data mining and artificial intelligence projects) and access to culture, including across borders, both to help address the global pandemic, and in order to minimise the disruption caused by it;
- Supporting the call by Costa Rica for the World Health Organization to create a global pool of rights in COVID-19 related technology and data, as well as promoting the use of the Medicines Patents Pool, voluntary licensing, intellectual property pledges, compulsory licensing, use of competition laws, and other measures to eliminate barriers to the competitive global manufacture, distribution and sale of potentially effective products to detect, prevent, and treat COVID-19;
- Supporting countries' rights to enact and use exceptions to trade secret and other intellectual property rights needed to facilitate greater access to manufacturing information, cell lines, confidential business information, data, software, product blueprints, manufacturing processes, and other subject matter needed to achieve universal and equitable access to COVID-19 medicines and medical technologies as soon as reasonably possible.

We believe that WIPO through your leadership can show its commitment to achieving sustainable development by taking swift and clear action to ensure that the global intellectual property system promotes research, education, access to culture, and public health.

Yours sincerely,

### **Organisational Signatories**

American Library Association, USA

Amical Wikimedia

ANSOL - Associação Nacional para o Software Livre, Portugal

Aprender 3C, comunidad de conocimiento colaborativo

Asociación Civil de Bibliotecarios Jurídicos - ACBJ, Argentina

Biblioteca Nacional de Maestros - BNM, Argentina

Bibliotecarios Al Senado, Argentina

Center for Information Policy Research, School of Information Studies, University of Wisconsin-Milwaukee, USA

Centre for Intellectual Property Policy & Management (CIPPM), Bournemouth University, UK

Centre for Internet and Society (CIS), India

Center for Democracy & Technology, USA

Centrum Cyfrowe, Poland

Civil Liberties Union for Europe (Liberties)

Colegio Colombiano de Bibliotecología - ASCOLBI, Colombia

Commons Foundation, South Korea

COMMUNIA International Association

Corporacion Innovarte, Chile  
Creative Commons  
Creative Commons Colombia  
Creative Commons Ecuador  
Creative Commons Portugal  
Creative Commons Slovenia  
Creative Commons Uruguay  
Cyprus Internet Observatory - ellakcy  
D3 - Defesa dos Direitos Digitais, Portugal  
Derechos Digitales · América Latina  
Digital Republic, Bulgaria  
Digitale Gesellschaft, Germany  
Education International (EI)  
Electronic Information for Libraries (EIFL)  
European Students' Union (ESU)  
Fundación Conector, Colombia  
Fundación Karisma, Colombia  
Global Expert Network on Copyright User Rights  
Health GAP (Global Access Project)  
Homo Digitalis, Greece  
Proprietas (National Institute of Science and Technology), Brazil  
Institute for Intellectual Property and Social Justice, USA  
Intellectual Property Institute, Slovenia  
International Council on Archives (ICA)  
International Federation of Library Associations and Institutions (IFLA)  
International Music Managers Forum  
IP Unit, University of Cape Town, South Africa  
ISUR, Colombia  
Knowledge Commune, South Korea  
Knowledge Ecology International (KEI)  
Northeastern University's Center for Law, Innovation and Creativity (CLIC), USA  
Observatorio del Tratado de Marrakech en América Latina  
Partido Interdimensional Pirata, Argentina  
Public Citizen  
Red Distrital de Bibliotecas Públicas de Bogotá - BiblioRed, Colombia  
Red de Latinoamérica y del Caribe de Derecho de Autor, del Acceso a la Información, la Cultura y otros temas relativos (REDLACDA - Copyright Network)  
Tohatoha Aotearoa Commons, New Zealand  
Wikimedia Deutschland  
Wikimedia España  
Wikimedia Italia  
Xnet, Spain  
Young Pirates of Europe, Pan-European youth organization

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