ATLANTA INTERNATIONAL SCHOOL
MODEL UNITED NATIONS

# AISMUN VII
# Background Guide

## Committee:
## World Health Organization (WHO)

## Topic: Patients vs. Patents: Equitable Access to Biotechnology

AISMUN CONFERENCE

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# Letter from our Chairs

Esteemed delegates,

Welcome to WHO! Malaika Minja, Joanna Vasiloglou, and I, Celine Kabbani, will be your chairs for this committee. We're all seniors and have been a part of MUN for various years now. Between chairing and attending conferences as delegates, we understand your experience, especially if AISMUN is the start of your MUN journey. As chairs, our goal is to guide you through the rigorous debate, keep you engaged, and also ensure you have a fun experience!

We're really looking forward to hearing the discussions and solutions you are all going to contribute to this committee! We are all here for you; please don't hesitate to ask any questions about parliamentary procedure throughout the conference. This background guide is here to help provide foundational information to guide you through your research and familiarize you with the topic and our committee!

We are excited to see the solutions and debate you all bring forward. Best of luck during your preparation; we can't wait to see what you are all able to accomplish!

See you soon!

Celine Kabbani, Joanna Vasiloglou, & Malaika Minja

# Introduction to the WHO

The World Health Organization (WHO) is a specialized agency for the United Nations responsible for promoting global health and improving access to healthcare worldwide. It works with international parties and member states to address public health changes, strengthen healthcare systems, and support the development of medical technology. In the context of biotechnology, the WHO ensures that medications, including treatments, vaccines, and diagnostic tools, are safe, accessible, and affordable amongst populations across the world. The organization also encourages international cooperation to address disparities in healthcare access, especially between high-income and low-income countries. Through its guidance and global health initiatives, the WHO aims to balance the advancement of medical innovation with the need to ensure that all patients are able to benefit from scientific progress.

See their website for more information: https://www.un.org/en/academic-impact/who

## Key Terms

When discussing equitable access to biotechnology in reference to the World Health Organization (WHO), several key terms and concepts are essential to understand. These terms include:

- **World Health Organization (WHO):** A specialized agency in the United Nations responsible for promoting global health, coordinating international health responses, and supporting countries in improving healthcare access and quality.

- **Biotechnology:** The use of living organisms, cells, or biological processes to develop technology. (ex. Vaccines, medication, genetic testing, treatments for diseases)

- **Equitable Access:** The principle that everyone should have fair opportunity to obtain the healthcare services they need, regardless of income, nationality, or socioeconomic status.

- **Patent:** A legal right granted to an inventor that allows them to prevent others from making, using, or selling their invention without permission for a limited period, generally 20 years from the filing date.

- **Intellectual Property (IP):** Intangible creations of the human mind, such as inventions, artistic works, designs, etc., are legally protected to give their creators exclusive rights to use and monetize them.

- **Pharmaceutical Companies:** Businesses that research, develop, manufacture, and sell medicines and other medical products. These companies often rely on patent protection to help recover research and development costs.

- **Generic Medicines:** An FDA-approved copy of a brand-name drug that has the exact same active ingredients, strength, and dosage form. They are often less expensive because manufacturers do not need to repeat the original R&D process.

- **Compulsory Licensing:** A legal mechanism that allows a government or third party to produce, sell, or import a patented invention or copyrighted work without the consent of the rights holder.

- **Technology Transfer:** The sharing of scientific knowledge, technical expertise, or production methods between organizations or countries. In healthcare, this can help

countries develop the ability to manufacture medicines, vaccines, and other biotechnology products.

- **Research and Development (R&D):** The process of developing, designing, testing, and improving new products or technologies. In biotechnology, this can require substantial funding, time, and scientific expertise.

- **Public-Private Partnerships (PPPs):** Collaborations between private companies, governments, and other organizations to achieve shared goals. In biotechnology, these partnerships can support medical research, vaccine development, and the distribution of treatments.

# Topic Introduction

Biotechnology has revolutionized modern medicine, offering groundbreaking advancements in vaccines, gene therapies, diagnostic tools, and life-saving treatments. However, despite its potential to improve global health, access to these innovations remains profoundly unequal. While pharmaceutical companies and researchers rely on patents to protect intellectual property, encourage innovation, and recover research and development costs, these same protections can create barriers to affordability and accessibility, particularly in low- and middle-income countries. The COVID-19 pandemic highlighted these disparities, exposing the challenges of distributing vaccines and other essential medical technologies equitably across nations.

As the World Health Organization, delegates must explore sustainable solutions that balance pharmaceutical innovation with public health priorities, strengthen international cooperation, and promote equitable technology transfer. Ultimately, the objective is to establish a global framework in which scientific progress serves humanity as a whole, ensuring that access to essential healthcare is not determined solely by the commercial value of medical innovation.

## Key Events

**1995: Establishment of the TRIPS Agreement-** The World Trade Organization (WTO) introduced the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), establishing minimum standards for intellectual property protection, including pharmaceutical patents.

**2001: Doha Declaration on TRIPS and Public Health-** WTO members adopted the Doha Declaration, affirming that intellectual property rules should not prevent member states from protecting public health, recognizing the right of governments to use TRIPS flexibilities, including compulsory licensing.

**2010: Creation of Medicines Patent Pool (MPP)-** Unitaid (global health initiative supported by the UN) established the Medicines Patent Pool to negotiate licenses for patented medicines, enabling qualified manufacturers to produce affordable generic versions for eligible markets. This supported access to treatments for HIV, hepatitis C, tuberculosis, and other diseases.

**2020: COVID-19 Pandemic & Global Vaccine Inequality-** The COVID-19 pandemic exposed major disparities in access to vaccines, diagnostics, and treatments. Wealthier countries secured substantial vaccine supplies, while many lower-income countries faced delays and shortages.

**May 2020: Launch of COVID-19 Technology Access Pool (C-TAP)-** The WHO launched C-TAP to encourage developers to voluntarily share intellectual property, manufacturing know-how, and clinical data for COVID-19 health products through transparent licensing arrangements.

**October 2020: India & South Africa Permanent Waiver of TRIPS Obligations-** India and South Africa proposed a temporary waiver of certain TRIPS obligations to help expand production of COVID-19-related medical technologies.

**2021: WHO's mRNA Vaccine Technology Transfer Hub-** The WHO selected a South African consortium led by Afrigen, alongside Biova and the South African Medical Research Council, to develop

mRNA vaccine production capabilities and share technology with manufacturers in lower- and middle-income countries.

**2022: WTO Decision on COVID-19 Vaccines-** At the 12th Ministerial Conference, the WTO adopted a decision providing eligible developing-country members with greater flexibility to authorize the use of patented inventions for producing and supplying COVID-19 vaccines, subject to specified conditions.

**2024: WHO Health Technology Access Programme (HTAP)-** The WHO integrated its mRNA technology transfer programme and C-TAP into a broader initiative focused on equitable access to health technologies and sustainable regional manufacturing.

**2025: Expansion of Regional mRNA Manufacturing Partnerships-** The WHO reported that its mRNA Technology Transfer Programme had grown to 15 partners, including the hub and 14 manufacturing partners as of May 1, 2025. The programme aims to build regional expertise and production capacity for future health emergencies and diseases beyond COVID-19.

## Key UN Suggestions and Actions

The WHO and its international partners have approached equitable access to biotechnology through technology sharing, support for local manufacturing, and greater transparency in medicine pricing. These efforts aim to make medical innovations more accessible while maintaining incentives for research and development.

**Protecting public health through TRIPS flexibilities:** The 2001 Declaration affirmed that the TRIPS Agreement should support countries' ability to protect public health and promote access to medicines. It recognized each WTO member's right to grant compulsory licenses and determine the grounds for doing so. Although the WTO is separate from the UN, its intellectual property rules are central to this committee's discussions. Delegates should consider how countries can use existing flexibilities while meeting their international obligations.

**Encouraging technology sharing:** WHO's Health Technology Access Programme (HTAP), which succeeds the COVID-19 Technology Access Pool, supports the development, transfer, and sustainable production of priority health technologies. Its work addresses both pandemic preparedness and health needs outside emergencies. By connecting technology developers with manufacturing partners, HTAP aims to expand access to the rights, knowledge, and materials needed to produce health products. However, its success depends on cooperation from participating institutions, manufacturers, and funders.

**Building regional manufacturing capacity:** Launched in 2021 and co-led by WHO and the Medicines Patent Pool, the mRNA Technology Transfer Programme supports manufacturers in low- and middle-income countries through technology sharing and training. Its South African hub helps partners develop the expertise needed to manufacture mRNA-based health products.

The programme demonstrates that improving access requires more than permission to use a patent: manufacturers also need technical knowledge, trained workers, suitable facilities, and regulatory support.

**Improving transparency:** In 2019, the World Health Assembly adopted Resolution WHA72.8, encouraging member states to share information on the net prices of health products and improve reporting on patent status. It also supported greater availability of clinical trial results while protecting patient confidentiality. These measures aim to help governments make better informed perchasing and policy decisions. However, the resolution does not establish a universal price for medicines or require companies to disclose all research and development costs.

## Possible Solutions

Delegates should develop proposals that address both the affordability of biotechnology and countries' ability to produce and deliver it. The following approaches provide starting points for debate.

**Expanding voluntary licensing and technology transfer:** Member states could encourage companies and publicly funded research institutions to license technologies to multiple qualified manufacturers. Agreements could incude reasonable royalty payments, technical training, and access to manufacturing knowledge. Delegates should consider which countries would be covered and how to prevent licensing arrangements from excluding populations with substantial healthcare needs.

**Supporting the use of TRIPS flexibilities:** Countries could receive technical assistance to understand and implement existing public health flexibilities, including compulsory licensing. Proposals should address national legal procedures, compensation for patent holders, and supply arrangements for countries without sufficient manufacturing capacity. Delegates should distinguish between recommendations the WHO can make that require action through the WTO.

**Investing in regional production:** Governments, development institutions, and private partners could jointly fund manufacturing facilities, workforce training, and regulatory capacity. Regional cooperation could allow countries to share costs and serve larger populations. Delegates should also consider how these facilities would remain financially sustainable between emergencies, including through long-term purchasing agreements.

**Making purchasing more affordable:** Countries could combine their demand through pooled procurement, allowing them to negotiate collectively with manufacturers. Other proposals could include prices adjusted to countries’ resources and targeted subsidies for patients unable to afford treatment. Such arrangements should consider inequalities within countries, since national income alone does not determine an individual’s ability to pay.

**Linking public research funding to access commitments:** Governments could attach affordability and availability conditions to publicly funded research agreements. These might include licensing commitments, transparent reporting, or plans to supply underserved populations. Delegates should consider how to make these conditions meaningful while preserving incentives for companies to develop promising discoveries into approved treatments.

**Strengthening healthcare delivery:** Proposals could support reliable storage, transportation, diagnostic services, and training for healthcare workers. Delegates should explain how their solutions would reach rural and underserved communities, identify funding sources, and measure progress through indicators such as patient costs, treatment availability, and supply shortages.

## Guiding Questions

1. What are the main barriers to accessing biotechnology in your country: patents, prices, manufacturing capacity, healthcare infrastructure, or other factors?
2. How can countries maintain incentives for research and development while ensuring that essential treatments remain affordable?
3. Under what circumstances should governments use compulsory licensing, and how should patent holders be compensated?
4. Who should finance technology transfer and regional manufacturing, and how can these investments remain sustainable over time?
5. Should publicly funded research carry specific obligations regarding affordability, licensing, or access?
6. How should access policies differ between public health emergencies and ongoing needs, such as cancer treatment or rare disease therapies?
7. How can the WHO support these proposals within its mandate, and which actions require national governments, the WTO, or other partners?

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