

COVID-19 Vaccine Waiver: Update & Sample Questions for CLAT 2022

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If you are an aspiring law student and looking for sample questions for CLAT 2022, you've landed at the right place! The CLAT Exam tests a student's analytical and logical skills for which it is important to regularly practice from sample questions.

In this post, aspirants will be quizzed on the [Covid-19 Vaccine Waiver](#), which is an important topic for CLAT 2022.

This excerpt is taken from The Hindu's 23 March, 2022: "A blow to equitable access to essential medicines" by Biswajit Dhar & K.M. Gopakumar.[i]

"...Nearly 18 months later, 164 members of the WTO could not find common ground on the "waiver proposal" even as 63 developing countries have become co-sponsors of the proposal and another 44 countries lent support from the floor. Initially, all advanced countries opposed the proposal, but after the Biden Administration took office, the United States (U.S.) backed the waiver, but only for vaccines. The stance of the advanced countries is hardly surprising as they have always put the interests of pharmaceutical companies ahead of the lives of the ordinary citizens in many countries who are yet to be fully vaccinated. As of today, only 14% of people in low-income countries have received at least one vaccine dose. What is worse, the recent surge of infections in China is a strong warning to the global community that the threat from COVID-19 still remains.

The EU 'solution'

In this complex situation, when one of the consistent opponents of the "waiver proposal", namely, the European Union (EU), announces that the differences over the proposal had been resolved, there is considerable interest in the details. This interest becomes even greater when it is revealed that India and South Africa, the movers of the "waiver proposal", are among the four countries that found a "compromise outcome". The U.S. is the fourth WTO member of the "Quad" proposing the way forward.

The EU, which has unveiled the “solution”, states that this is a “compromise outcome” that will now be “put ... forward for [WTO] members’ consideration”. Interestingly, the “compromise outcome” adopts the approach that the EU has been proposing all along — namely, granting compulsory licences to enhance vaccine production.

...

The “Quad” proposal states there that in case of a medical urgency, as is the case now, this condition will be waived. In other words, there is no requirement to make efforts to obtain voluntary licences with the patent holders before granting compulsory licences on the patented products. The “Quad” solution also provides that WTO members would be able to issue compulsory licences even if they do not currently have the provisions to issue them under their national patent laws. Compulsory licences can even be granted using executive orders, emergency decrees, and judicial or administrative orders.

While introducing the abovementioned export restriction, the “Quad” solution proposes to waive the obligation under Article 31(f) of the TRIPS Agreement. Article 31(f) provides that the compulsory licences issued by any WTO member must be used “predominantly for the supply of the domestic market”. The “Quad” solution states that the export restriction in 31(f) was removed as there was a “long standing request from the waiver proponents that want to be free to export any proportion of the COVID-19 vaccine”. But while they have proposed removal of Article 31(f), the “Quad” solution includes a more stringent export restriction in the form of the eligibility criteria mentioned above.

Finally, it must be said that by accepting the “compromise outcome”, India and South Africa could jeopardise their high moral ground which they had gained through their attempt to make medicines and medical products necessary for COVID-19 treatment or containment as global public goods. Consequently, the global community would lose an important opportunity to ensure that vaccines and medicines are accessible to all.”

Read the aforementioned passage and answer the following sample questions for CLAT 2022:

1. Which of the following countries applied to the WTO for waiver of patent protections?

- a. India
- b. South Africa

c. Both A and B

d. U.S.A.

2. Which of the following provisions (TRIPS) provides that the compulsory licences issued by any WTO member must be used “predominantly for the supply of the domestic market”?

a. Article 31(f)

b. Article 32

c. Article 33

d. Article 29

3. What is the provision dealing with compulsory licenses in the Patents Act, 1970 (India)?

a. Section 84

b. Section 11

c. Section 80

d. Section 79

4. Who are the members of the ‘Quad’ as suggested in the paragraph?

a. India

b. South Africa

c. U.S.

d. All of These

5. Which of the following measures was suggested as a suitable alternative to patent waiver, by those opposing the proposed waiver?

a. Compulsory Licensing

b. Free Medicines

c. Both A and B

d. Lower Prices

6. What is the point of the aforementioned piece?

- a. The compromise solution is the best solution to ensure equity.
- b. Accepting the solution within its limitations would cause the world to lose an important opportunity to ensure that vaccines and medicines are accessible to all.
- c. This solution includes medicines and vaccines, and is hence impressive.
- d. None of These

Answer Key: 1-C, 2-A, 3-A, 4-D, 5-A, 6-B.

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Reference:

[i] Available at <https://www.thehindu.com/opinion/lead/a-blow-to-equitable-access-to-essential-medicines/article65249675.ece> accessed 23.03.2022

by Anna Anu Priya