

April 3, 2020

Director General Francis Gurry
World Intellectual Property Organization
34, chemin des Colombettes CH-1211
Geneva 20, Switzerland

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 analyzing copyrighted news articles¹, 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*

¹ 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/>

education, for research and experimental uses, and for vital public interests, such as access to medicine and culture;

- *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,

[This letter was sent to Dr. Gurry at 12pm CET, April 3, 2020. It remains open for endorsements at: <https://tinyurl.com/WIPOCOVIDSignOn>]

Organizations (listed alphabetically)

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
Treatment Action Group

Wikimedia Deutschland
Wikimedia España
Wikimedia Italia
Xnet, Spain
Young Pirates of Europe, Pan-European youth organization

Individuals (listed alphabetically, affiliations for identification purposes only)

Fernando Ariel Lopez, Biblioteca Nacional de Maestros, Argentina
Valérie Laure Benabou, Université Aix-Marseille, France
Brook K. Baker, Northeastern U. School of Law, USA
Michael Birnhack, Faculty of Law, Tel Aviv University, Israel
Maja Bogataj Jančič, Intellectual Property Institute, Slovenia
Sara Bolaños Muñoz, Fundación Claroscuro, Ecuador
Alina Boyte, Mississippi College School of Law, USA
Brandon Butler, University of Virginia Library, USA
Beth Cate, O'Neill School of Public and Environmental Affairs, Indiana University, USA
Jorge Contreras, University of Utah, USA
Carys Craig, Osgoode Hall Law School, York University, Canada
Tesh Dagne, Thompson Rivers University, Canada
Kathleen DeLaurenti, Johns Hopkins University, USA
Estelle Derclaye, University of Nottingham, UK
Graham Dutfield, University of Leeds, UK
Séverine Dusollier, Sciences Po Law School, France
Kristofer Erickson, University of Leeds, UK
Christine Farley, American University Washington College of Law, USA
Sean Flynn, American University Washington College of Law, USA
Alexandra Giannopoulou, University of Amsterdam, The Netherlands
Deborah Gleeson, La Trobe University, Australia
Eric Goldman, Santa Clara University School of Law, USA
Andres Guadamuz, University of Sussex, UK
Lucie Guibault, Dalhousie University, Canada
Henning Grosse Ruse-Khan, University of Cambridge, UK
Eldar Haber, University of Haifa, Israel
David Hansen, Duke University, USA
Naomi Hawkins, University of Exeter Law School, UK
Evelin Heidel, member, Creative Commons
Mandy Henk, Tohatoa Aotearoa Commons, New Zealand
Joachim Henkel, Technical University of Munich, Germany
Sileshi Bedasie Hirko, University of Ottawa, Canada
Cynthia Ho, Loyola University of Chicago School of Law, USA
Steven Jamar, Institute for Intellectual Property and Social Justice, Washington, DC, USA
Peter Jaszi, American University Washington College of Law, USA
Brandy Karl, Pennsylvania State University Libraries, USA

Ariel Katz, University of Toronto Faculty of Law, Canada
Howard Knopf, Macera & Jarzyna, LLP, Ottawa, Canada
Sapna Kumar, University of Houston, USA
Charalampos Kyritsis, student at the National and Kapodistrian University of Athens, Greece
Christopher Lettl, WU Vienna, Austria
David S. Levine, Elon University School of Law, USA
Yvette Joy Liebesman, Saint Louis University School of Law, USA
Michael Madison, University of Pittsburgh School of Law, USA
Axel Metzger, Humboldt Universität, Berlin, Germany
John T. Mitchell, Interaction Law, USA
Jenny Molloy, University of Cambridge, UK
Peter Murray-Rust, ContentMine, UK
Kylie Pappalardo, Queensland University of Technology, Australia
Mathilde Pavis, Ph.D., University of Exeter, England, UK
Heesob Nam, Patent Attorney, South Korea
Caroline Ncube, University of Cape Town, Faculty of Law, South Africa
Denise R. Nicholson, Specialist Copyright Librarian, South Africa
Laura Quilter, University of Massachusetts Amherst Libraries, USA
João Pedro Quintais, Institute for Information Law (IViR), University of Amsterdam, The Netherlands
Srividhya Ragavan, Texas A&M University School of Law, Fort Worth, Texas, USA
Julia Reda, former Member of the European Parliament, Germany
Dr. Hafiz Aziz ur Rehman, International Islamic University, Islamabad, Pakistan
Allan Rocha de Souza, Federal University of Rio de Janeiro - Program on Public Policy, Strategies and Development (PPED), Brazil
Ole-Andreas Rognstad, University of Oslo, Norway
Matthew Sag, Loyola University Chicago School of Law, USA
Rachael Samberg, University of California, Berkeley, USA
Joshua Sarnoff, DePaul University College of Law, USA
Tobias Schonwetter, Faculty of Law, University of Cape Town, South Africa
Martin Senftleben, Institute for Information Law (IViR), University of Amsterdam, The Netherlands
Sepehr Shahshahani, Fordham Law School, USA
Katherine J. Strandburg, New York University School of Law, USA
Jessica Silbey, Northeastern University School of Law, Boston, Mass., USA
Virginia Inés Simón, Universidad Nacional de Mar del Plata, Argentina
Francisco Silva Garcés, Red de Investigación de Conocimiento Libre, Ecuador
Uma Suthersanen, Queen Mary University of London, UK
Toshiko Takenaka, Ph.D., University of Washington School of Law, USA
Ellen 't Hoen LLM, PhD | Medicines Law & Policy
Janewa Osei-Tutu, Florida International University College of Law, Miami, Florida, USA
Sunita Tripathy, Researcher, Information Society, European University Institute, Florence, Italy
Andrea Wallace, University of Exeter Law School, UK

Ryan Whalen, University of Hong Kong Faculty of Law, Hong Kong

Owain Williams, University of Leeds, UK

John Willinsky, Graduate School of Education, Stanford University, USA

Andrea Zehetner, Patent Attorney, Germany

Esther van Zimmeren, University of Antwerp, Belgium