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On the development of

IP Protection in Joint Research and Collaboration during Outbreaks

I. Introduction

The African Union's Executive Council Decision (EX.CL/Dec.747 (XXII)) established ASRIC as a specialized Technical Advisory Body to the African Union with African Union, Scientific, Technical and Research Commission (AU-STRC) as its Secretariat. The ASRIC promotes scientific research and innovation in order to address the challenges of Africa's socio-economic development. It also mobilizes African research excellence and provides a platform for dialogue among African scientists and serves as a voice of the scientific community in building and sustaining continental research and innovation nexus.

Launching the ASRIC and its Congress in November 2018 was a land mark in the Science, Technology and Innovation impact on Africa's future and prosperity. The ASRIC Congress is composed of African scientists from all the African National Science Academies, National Research Councils, top Science, Technology and Innovations (STI) Institutes in Africa, Diaspora Scientists and Partners. The Congress decides on the implementation of key science and technology programme and projects in accordance with the Science, Technology and Innovation Strategy for Africa (STISA-2024) and the overarching continental framework AU Agenda 2063.

The STISA-2024 is the first of the ten-year incremental phasing strategies to respond to the demand for science, technology and innovation from various impact sectors. The STISA-2024 is built upon four pillars, one of which is building technical and professional competencies that is anchored on six distinct priority areas that contribute to the overall development of Africa. One of the priorities is Prevention and Control of Diseases. In light of the unprecedented emergence of the Corona Virus Disease Pandemic (COVID-19) ravaging the world the onus lies on ASRIC to respond to the challenges.

The ASRIC's intervention in tackling COVID-19 is through the formation of the following:

1. ASRIC Advisory Board on STI intervention for COVID-19

This Board is to advise and guide ASRIC's intervention in the pandemic through formulating policies/guidelines, research and development plans and activities with emphasis on getting the right diagnosis, therapy, and vaccines among others. They are also looking at the needs of hospitals in terms of **development or improvement** of equipment like testing kits, ventilators, protective gears and other equipment that can be acquired.

2. Working group to study the impact of COVID-19 on Africa's food and nutritional security

The objective of this working group is to develop a guided response that will minimize the impact of Covid-19 on Africa's Food and Nutrition Security in order to ensure the wellbeing of Africa's citizens.

3. Working group to study the socioeconomic impact of COVID-19 on Africa:

This objective of this working group is to develop, guide and advice on how to ameliorate the socioeconomic impact of the pandemic (e.g. the results of some of the containment measures like social distancing, lockdowns, etc., on the lives of people already burdened with other diseases and living on a less than a dollar per day). The group will also work out/help on the development of a non-pharmaceutical intervention measures that is driven by Africa's culture and the realities on the ground.

4. Working group on Africa's indigenous Knowledge to Preventing and Controlling Emerging Infectious Diseases on the continent like COVID-19: Utilizing an Afro-centric Response

This working group has the objective to develop and implement Afro-centric response to COVID-19 and other infectious diseases building on the Africa's abundant indigenous knowledge rooted in Africa's ethno geographical and cultural characteristics through an R&D comprehensive programme. This programme aimed at the development of traditional medicine intervention to the pandemic; and posting community prevention measures.

Each of the above structure need to be assisted by professionals from within the continent and its Diaspora to respond to a timely task that are needed by these structures. That in this regard and as of the statute of ASRIC several taskforces are to be launched when the need arises.

II. Situational analysis:

The COVID-19 pandemic has taken its toll on the world and has sent a shock wave globally with a greater impact on the governments and populace. It is evidently clear that the global spread of COVID-19 has been hard, particularly on America, Italy, Spain, and some other countries in Europe, but the infection rate has been generally quite low in Africa, a fact that could be attributed in part to the low testing capacity of most African nations, or to other factors yet to be determined.

The case zero was reported in Africa on 17th March 2020 as of 27th of April the total reported cases 33,627.

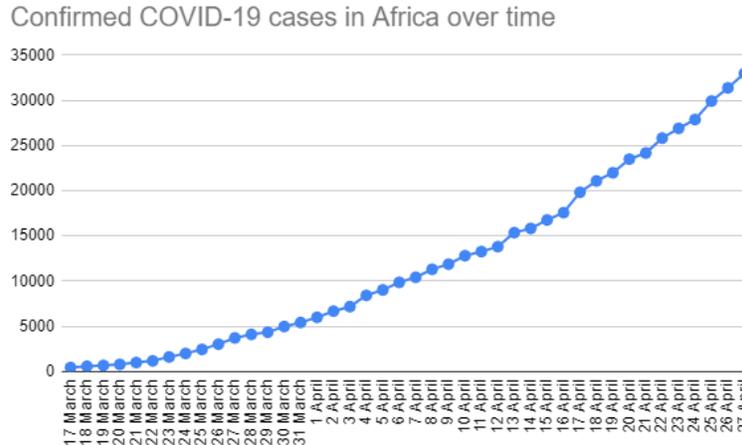


Figure shows the confirmed Covid-19 cases in Africa over time

Knowing fully well that COVID-19 presently has no cure, treatment or vaccine for now, the entire continent is applying the non-pharmaceutical interventions that include (self-isolation when sick, social distancing, hand washing hygiene improvements, working from home, and closing schools, and/or national lockdown) for containment of the disease which also has negative consequences.

On 21 April 2020 the World Food Programme (WFP) chief warns of hunger pandemic as Covid-19 spreads in his statement to the UN Council he stated that “This sounds truly shocking but let me give you the numbers: 821 million people go to bed hungry every night all over the world, chronically hungry, and as the new Global Report on Food Crisis published today shows, there are a further 135 million people facing crisis levels of hunger or worse. That means 135 million people on earth are marching towards the brink of starvation. But now the World Food Programme analysis shows that, due to the Coronavirus, an additional 130 million people could be pushed to the brink of starvation by the end of 2020. That’s a total of 265 million people”.

So far, Africa is not hit hard by covid-19, but it is potentially fertile land for rapid spread and it is already suffering due to challenges resulting from strict lockdown measures on some of the AU Member States recalling that a large percentage of the Africa’s populace lives on daily wages. In furtherance, Africa has 18 million displaced persons in Africa out of which 12.5 million are internally displaced persons with limited access to utilities and having a poor living condition. The fact also is that while Northern Africa has 92% safe water coverage, Sub-Saharan Africa remains at a low 60% of coverage – leaving 40% of the 783 million people in that region without access to clean drinking water.

This all need Africa and ASRIC to think in different ways that can impact dramatically the number of cases and to ensure that Africa can overcome this pandemic with minimum losses, these should be done through introducing new/innovative **non**

pharmaceutical interventions; Development of rapid testing kit; develop its ventilators and conduct its clinical trials .

Most of the AU member States those are implementing lockdown sooner or later will unlock their nations and will move from fully lockdown to no lockdown or partially lockdown “no way to force people at home; with no food and no wages”. in other words, markets are to be open and formal and non-formal economy will be rushed to overcome the loss that resulted from the lockdown. This also will result in no social distancing, more interaction between the public, more movement and ultimately more Covid-19 ignorant agents, more infection and more pressure on the health system and consequently more deceases to be recorded.

As of today, several signals are observed that there will be change in the way governments in and outside Africa respond to the pandemic by introducing a new model that can be defined as prevent and control; test; isolate and treat. This model is to be introduced to have blanc between economic challenges that caused by the pandemic and the health of the their populous.

III. The task “Development of guideline on IP protection in joint research and collaboration during outbreaks”:

After any outbreak of diseases research institutions and pharmaceutical companies race to develop live-saving drugs and vaccines to combat these pandemics, while this is going on there is components of IP that is needed to be considered. The IP rights are usually compromised or seems to be ignored by the international research partners which is the case in Africa. Mostly in such situation, the continent is exploited for pathogens which are used for materials for vaccine research and developments as well as for development and validation of diagnostics, this is usually done in total disregard to IP issues and benefit to the continent.

On the other hand, International cooperation with international partner research institutions and pharmaceutical companies is one way or in the alternate allows these countries to develop research capacities and improve Africa’s response to current pandemic and future ones.

For Africa’s R&D institutions and pharmaceutical companies a guideline on IP protection in joint research and collaboration during outbreaks is imperative to protect their rights. The guidelines may address the following but not limited to:

- a. IP Rights and benefits during the testing and manufacture of a drug and/or a vaccine***
- b. Types of IP rights and their differences***

- c. Options to reserve rights of investigators and researchers including research partners:** such as licensing (limited time licenses, limited to geographic area or location”; joint production of the technology; and equity sharing among others.
- d. Highlight the opportunities on the expired IP and how it could be utilized.**
- e. Develop a draft cooperation agreement on joint research that to protect Africa’s research rights in collaborative research.**
- f. Any other information that deemed necessary to protect Africa’s right**

1- Objectives:

To develop a comprehensive guideline on IP protection in joint research and collaboration during outbreaks.

2- Modus Operandi:

- You will remain in your place of domicile;
- You are expected to work with colleagues virtually for now;
- You will be invited for meetings anywhere within the continent if the need to be.

3- Service Reward

- This work to be conducted voluntarily by the African experts i.e. the participation in this work will not attract any payment but should incase there is meetings that involves travels, the ASRIC will borne the cost of your travels and daily subsistence allowance according to the UN rates.
- At the end of the programme you will receive a recognition certificate from the ASRIC for your valuable contribution to the continent and ASRIC in this difficult time.

Yes, we are Africans

Africa is calling!!!!

Come and join us in our Research and Development efforts.

Together we Can!