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Moderna could derail WHO plans to manufacture more Covid-19 vaccines in Africa, campaigners warn

- Drugmaker has filed several patents related to its vaccine in South Africa
- Fears patents could undermine WHO's mRNA manufacturing hub

African civil society organisations have accused Moderna of attempting to undermine World Health Organization (WHO) efforts to manufacture more mRNA vaccines on the continent, after it emerged the company has filed several patents related to its coronavirus vaccine.

Moderna has pledged not to enforce patents on its vaccine for the duration of the pandemic. But the company has filed several patents with broad claims in South Africa, prompting fears it will begin enforcing patents while Covid-19 is still endemic in Africa, effectively derailing the WHO's plans to build African vaccine production

More than 60 charities, campaigners and NGOs have signed a letter calling on Moderna to “act in the interests of people, not profits” by withdrawing patents and patent applications in South Africa, as they have in high-income countries like Canada and Australia; lending technical assistance to the Hub to guarantee its success; and allowing the hub the freedom to continue its vital work.

It comes after the South African company Afrigen announced it had reverse-engineered Moderna's vaccine as part of a WHO-led consortium aimed at giving low and middle-income countries the knowhow needed to manufacture Covid-19 vaccines.

The letter warns that the patents “pose long term barriers to scaling up the supply of messenger RNA (mRNA) vaccines and to diversifying local production in the continent ... and may potentially undermine the [WHO] Hub's current and future functioning and research, at the expense of all LMICs [low and middle-income countries].”

Moderna has “prioritised supplies to wealthy nations”, signatories say, “putting Africa last in line” for coronavirus vaccines. Attempts by lower-income countries to purchase the jab have [reportedly](#) been charged a premium, arrived late, or ignored altogether.

Fatima Hassan, Founder and Director of Health Justice Initiative, said:

“Moderna said it would not enforce patents on this Covid-19 vaccine during the pandemic – and that pledge has repeatedly been cited as evidence that intellectual property is not a barrier to vaccine access. Yet now that we are finally beginning to make mRNA vaccines in Africa, Moderna could unilaterally decide that Covid-19 is now endemic and use intellectual property rules to stifle production. It's an outrageous act of gaslighting and we won't stand for it.”

While Moderna has pledged not to enforce patents during the pandemic, the company can decide when it views the pandemic as ‘over’ and is not bound to wait for a WHO declaration that Covid-19 has become endemic before enforcing patents.

Tian Johnson, founder of the African Alliance, said:

“Even under Moderna’s pledge not to enforce patents during the pandemic, the company could turn around and enforce patents while Covid-19 is still endemic in Africa. That would effectively derail all of the work that the WHO and African scientists have put into building vaccine manufacturing capacity on the continent. The damage that would cause extends beyond the fight against Covid, preventing Africa from preparing for the next pandemic.”

The patents have been filed despite an ongoing dispute with the publicly-owned United States National Institutes of Health over who deserves credit for inventing the main component of the company’s coronavirus vaccine.

Moderna has not filed regulatory data with the South African medicines regulator, meaning its vaccine is not approved for use in the country.

The company received \$955 million from the US federal government to develop and manufacture its vaccine candidate, as well as an estimated \$3.2 billion advance purchase of the vaccine, with the total federal investment in the vaccine coming to approximately \$5.75 billion, according to [Oxfam](#). The fears follow revelations in the British Medical Journal that German vaccine-maker BioNTech has hired a consultancy to lobby African governments and manufacturers against engaging with the WHO’s mRNA hub.

BioNTech hired the kenUP foundation to promote a plan that would ship mRNA factories housed in sea containers from Europe to Africa and create a new regulatory pathway to approve the vaccines.

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For more information please email: media@peoplesvaccine.org

Notes to editors

The full letter, list of signatories, and details of patents are available here: <https://bit.ly/PVA-Moderna>

Find Annex 1 - Preliminary patent landscape of Moderna’s COVID-19 mRNA vaccine in South Africa here: <https://app.box.com/s/56ciapsbsneonpkykwdwb226jrf4koq5>

The BMJ investigation into BioNTech’s lobbying against the WHO mRNA hub is available here: <https://www.bmj.com/content/376/bmj.o304>