

## Intellectual Property Rights Perspective: The Effort in Providing of the World Public Health Rights Due to Covid-19

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### Article

### Abstract

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The existence of Covid-19 has made many countries strive to save their citizens. The competition between developed and developing countries for vaccine and drug supplies has created its own tension. Vaccine supplies for developed countries have exceeded the needs of their citizens, while for developing countries there are limitations, compared to the number of citizens. This is very contrary to human rights, especially in accessing drugs and vaccines. The purpose of this study is to determine the ideal form of cooperation agreements and arrangements to overcome the limitations of Covid-19 drugs and vaccines for the fulfilment of the right to health from an Intellectual Property Rights perspective. secondly to find out the efforts that can be made by developing countries to save their citizens. The results and discussion are first, the state's obligation to save citizens for the fulfilment of the right to health, based on the principles of justice and expediency. Second, the fulfilment of citizens' health rights based on the TRIPs Agreement, the Doha Declaration, and the Patent Law. Furthermore, the third is the ideal concept in regulating international cooperation in the context of equitable distribution of the covid 19 vaccine by seeking the cooperation of pharmaceutical companies in developed countries with pharmaceutical companies owned by developing countries in overcoming this global pandemic. And this cooperation must be followed by all members who participate in the WTO agreement.



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### Introduction

The Corona Virus or The Covid 19 pandemic that has hit the world for about 2 (two) years has brought changes in the life order of the world community. Its spread is

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fast and evenly distributed without recognizing national borders/jurisdictions and even a high wall is unable to stop its spread. The spread of the Covid 19 pandemic has hit almost all regions of the world and it cannot be predicted when this pandemic will end. Even Covid-19 gave birth to a new variant, namely Corona B.1.1.7 which was first detected in the UK and at the beginning of the first week of March 2020 has entered Indonesian territory (Aida & Wedhaswary, 2021). This variant mutation is much faster and more widespread than the first, carrying more and more victims every day than before.

Until now, data on the distribution of victims of Covid 19 on The World Health website, updated data dated 29 May 2021 has reached 169,118,995 cases and 3,519,175 of the total number of countries 223 who have died, this number in a matter of hours will continue to grow. In Indonesia, the number of positive victims has reached 1,809,926 and who died as many as 50,262, as the last update was also on May 29, 2021. There are about 5 countries that broke the world record with the most victims, namely the United States, India, Brazil, France and Russia (Arnani & Wedhaswary, 2021). This data shows that actually handling Covid 19 has not been carried out properly.

The emergence of the Covid 19 pandemic has contributed a lot to all the patterns of people's lives from normal to abnormal, even though it directly affects the health sector, but also brings changes towards other fields, including economic, sociocultural, political and other joints of life other (Anoraga, et.al., 2022). This condition certainly causes tremendous panic and anxiety at both the state and citizen level itself, directly and indirectly death has stalked every individual on earth due to being infected with Covid 19 (Yahya, 2020).

The many victims who fell show that countries are not ready to face this Covid 19. The Covid 19 pandemic can be said to be the largest and most devastating pandemic in human history. Many countries in the world are trying to save their citizens with all their efforts and abilities. Even though the country's ability to cope with and handle a pandemic is certainly not the same, depending on the capabilities it has, in its capacity as a rich country and / or a developing country. This will have an impact on the readiness of the state in taking policies and steps to protect and protect its citizens, as carried out in Indonesia and other countries (Qodir, et.al., 2020).

In Indonesia, for example, there have been many diversions and changes State budget (APBN) or Regional Revenue and Expenditure Budget (APBD) taken and used in dealing with Covid 19. The act of raising the budget certainly raises pros and cons and even tensions between the central and regional governments. In fact, the budget for

handling Covid 19 is actually bigger than the APBN. For countries rich in actions and steps in overcoming the Covid 19 pandemic, of course it will also be different from developing countries. Even though there are different actions and policies taken in handling Covid 19, it has one goal, namely to fight to save its citizens as each constitution of each country is responsible for its citizens regarding health rights which are part of human rights (Tamami & Turisno, 2024).

In developed countries, many pharmaceutical companies have carried out more intensive research and development, especially to find drugs and vaccines for the Covid-19. Pharmaceutical companies have succeeded in producing several types of vaccines, including Pfizer, Moderna, Oxford / AstraZeneca, and Novavax, with the exception of the US, Russia produces the Sputnik vaccine and the Sinovac vaccine produced by China. In addition, drug maker Johnson & Johnson has produced single-use Janssen vaccines. However, the vaccines that are produced and those that require it are not in balance. Given that not all countries have the capability to produce drugs or vaccines. The limited ability of human resources and natural resources as assets that are not the same in each country, affects the availability of drugs and vaccines.

Efforts to supply drugs and vaccines have certainly created an atmosphere of competition and competition between potential developed countries as producers. Meanwhile, the limited availability of Covid-19 drugs and vaccines also creates "competition" between consumer countries. Rich countries can secure supplies that exceed even the needs of their citizens (Tripathi, 2021). On the other hand, poor countries lack the vaccines they need with the number of their citizens, and have to wait for the years 2023-2024. This consequence led to delays in administering vaccines, resulting in a continuous increase in casualties. Given that immunity to Covid 19 infection has not been formed.

Limitations in the supply of drugs and vaccines can be seen as an important issue, especially when it comes to human rights, especially the right to health that all citizens have the same right to access these drugs and vaccines, without any discrimination, both as poor countries, developing countries and developed countries. Regardless of all attributes, whether ethnicity, origin, nationality, religion, gender, language, or social status must be protected from viral infection, regardless of ability to pay. The state is obliged to fulfill the right to health. In an effort to fulfill the right to health, it cannot be done by one or two countries, but all countries, especially developing countries who have difficulty obtaining vaccines as users and developed countries as producers,

include the involvement of the world trade organization (WTO). and the World Health Organization (WHO).

The involvement of the WTO in which there is an Agreement on Trade-Related Aspects of Intellectual Property (TRIPs), in this case is quite essential because the availability of drugs and vaccines is the scope of intellectual property rights, which are guaranteed monopoly rights, especially patents and trade secrets. Efforts for the availability of drugs and vaccines are actually all forms of innovation and considerable investment of capital. It is not wrong that everyone is obliged to respect it, without violating their exclusive rights. On the other hand, the presence of WHO is also crucial given the offer and announcement to use drugs and vaccines in fulfilling the right to health.

Based on the provisions both in the international and national scope related to health issues in the perspective of intellectual property rights, it can be seen that there are several regulations that are relevant to addressing these problems, such as the Doha Declaration, which emphasizes the link between TRIPs and public health the provisions in the TRIPS agreement, the Patent Law, and the laws related to overcoming the patent pandemic. It is hoped that this regulation can become one of the basic solutions in overcoming the provision of drugs and vaccines so that neither party will be harmed later.

## Method

The method is an absolute prerequisite in research. This type of research uses a normative juridical research type. In principle, law, and science has a distinctive character. Law science has a prescriptive and applied nature. Prescriptive means that the science of law studies the objectives of the law, values, justice, the validity of legal rules, legal concepts, and legal norms. Meanwhile, as an applied science, legal science determines standard procedures, provisions, and guidelines for implementing legal rules.

The approach used in this study uses a statutory approach and a conceptual approach. The statutory approach (Statute Approach) is an approach carried out by examining laws both at the national and international levels relating to legal issues which are the topic of discussion. While the conceptual approach (Conceptual Approach) approach in legal research that provides an analysis point of view of problem solving seen from the aspect of legal concepts that are behind or can even be seen from the values contained in the norming of a statutory regulation studied in this study.

## Discussion

In answering the formulation of the problem, the discussion will be divided into 3 sub-themes, namely: first, namely the state's obligation to save citizens from the Covid-19 pandemic by administering vaccines in order to fulfill health rights, secondly fulfilling citizens' health rights in the new normal era due to the Covid 19 pandemic as part from human rights in the perspective of intellectual property rights, then the third is the ideal concept in the arrangement of international cooperation in the context of equal distribution of the covid vaccine 19.

### 1. Obligations in Efforts to Save Citizens from the Covid-19 Pandemic Through the Provision of Vaccines in the Context of Fulfilling Health Rights

The rule of law in the context of carrying out state obligations towards its people is highly correlated with the type of rule of law adopted. Regarding the term rule of law in Indonesian literature it is a direct translation from *Rechtstaat*. Wiryono Projodikoro defines a rule of law as a state in which the rulers or the government as state administrators in carrying out state duties is bound by applicable legal regulations. Muhammad Yamin defines a rule of law as a state that runs a government not based on the will of the power holders, but according to written rules made by a legal representative body (Projodikoro, 1971).

Rule of law as a state where the actions of the ruler must be limited by the applicable law. Complementing the notion of a rule of law, that a rule of law is a state that guarantees the fate and freedom of the people as best as possible by law. Based on the description of the understanding of the rule of law, it can be concluded that the law becomes the "basis" for the ruler or state in carrying out the life of the state. The state is obliged to comply with the stipulated law, so that there are no arbitrary acts that are vulnerable to being carried out by the state because of its position as the ruler.

Simultaneously, another term from the rule of law emerged, namely the rule of law. Formally the term constitutional state can be equated with *rechtstaats* and rule of law, because they have the same meaning, namely preventing absolute and arbitrary power and providing protection of human rights. The point is that the consequence of a rule of law is the guarantee of human rights protection for citizens. *Rechtstaats* understanding rests on the Continental European legal system while understanding of the Rule of law rests on the Anglo-Saxon system or Common Law System.

When one examines the concept of a Continental European rule of law pioneered by Immanuel Kant, the goal of a rule of law is to guarantee the legal standing of

individuals in society. The concept of a rule of law is known as a liberal rule of law or a rule of law in a narrow sense or "*nachtwachter state*". Kant called it a liberal law state, because Kant's views were influenced by liberalism, which opposed the absolute power of the king at that time. The rule of law in a narrow sense, because the state is only tasked with defending the law in order to guarantee and protect the bourgeoisie. It is said to be *nachtwachter staat* (*night watchman state*), because the state only functions to maintain and guarantee security in a narrow sense, while the economy is completely left to the private sector.

The improvement of the formal rule of law according to Stahl is directed at four aspects, namely the recognition and protection of human rights; there must be a separation of powers (*Trias Politica*), the government runs the government based on legislation (*wetmatig bestuur*), and if a human rights violation occurs, it is resolved through an Administrative Court. Based on the description above, it can be emphasized that the rule of law concept is highly correlated with the recognition and protection of human rights. The existence of human rights attached to each individual is very important, so that the state has an obligation to be able to fulfill the fulfillment of human rights for each of its citizens (Adytia, et.al., 2021).

In the Anglo-Saxon rule of law concept, in principle, there is no rule of law or *Rechtstaat*, but that does not mean that there is no rule of law. Another term for a rule of law is used as suggested by Friedman, that the term *Rechtstaat* means limiting state power called "The Rule of the law", with three main elements, namely Supremacy of Law, Equality before The Law, and the Constitution based on Individual. Rights which include The Right to Personal Freedom, The Right to Freedom of Discussion, and The Right to Public Meeting.

In the dynamics of its development, the concept of a liberal law state that places the state as a night watchman experiences many obstacles in its implementation, including in the application of the concept of a material law state or a modern legal state. In the end, the idea of a welfare law state or Welfare State emerged, which places the government as the party that has the responsibility and obligation to improve the welfare of its citizens. The concept of a welfare law state demands that the state or in this case the government plays an active role in the economic and social life of its people, in order to achieve general welfare. Even though it is welfare-oriented, it does not abandon the state's obligation in terms of realizing order and security in the life of its state or government.



The discussion regarding state obligations is highly correlated with the concept of a rule of law which has the character of a state welfare law or the Welfare State as adopted by Indonesia. As a consequence of adopting the concept of a welfare state law, the state, in this case the government, has full power to carry out its responsibilities and obligations in striving for the welfare of its citizens. Including part of the state's obligation in the conditions of the COVID-19 pandemic currently faced by all countries in the world, including Indonesia, is related to efforts to save citizens from the COVID-19 pandemic (Kristin & Dewi, 2022).

The state's obligation to provide the Covid-19 vaccine is interpreted as an effort taken by all countries to fulfill the health rights of their citizens. This obligation cannot be fully implemented due to the limited supply of drugs and vaccines for the total needs of all countries infected with COVID-19. In this case, underlying cooperation is needed in efforts to save and handle this pandemic. The policies and steps taken by each country will be different. Examples of Canadian countries, including developed countries, have purchased vaccines that exceed the needs of their citizens.

While developing countries find it difficult to buy because of the unpreparedness of their budgets, even though they have the vaccines they need, they cannot be bought directly but must be put on the waiting list for 2023-2024. The Indonesian state has taken steps and policies in handling and protecting its citizens in fulfilling the COVID-19 vaccine starting from funding, procurement, and distribution, including cooperative relations between national and international agencies regardless of the pros and cons. Indonesia is also committed that all its citizens must have received the vaccine. This is in accordance with what is mandated in Presidential Regulation of the Republic of Indonesia Number 99 of 2020 concerning Vaccine Procurement and Vaccination Implementation in the context of Overcoming the Covid-19 Pandemic.

A quite complex problem occurs related to the procurement of the Covid-19 vaccine, which is not sufficient to meet the vaccine needs of all Indonesian citizens. Vaccination will depend on the availability of the COVID-19 vaccine, which Indonesia still imports from other countries. The government, in this case the Ministry of Health, continues to strive to accelerate vaccination by moving quickly by coordinating with vaccine provider companies, including Sinovac, Novavax, AstraZeneca, Pfizer, and Gavi-Covax. The issue of limitations in the supply of drugs and vaccines is a global problem so cooperation at the world level is urgently needed. Considering that all countries should supply drugs and vaccines in a sustainable manner as a country, there

should be no conflict of interest that results in many casualties. The principles of justice and benefit must also be put forward to overcome this global pandemic.

## **2. Fulfillment of Citizens' Health Rights in the New Normal Era Due to the Covid 19 Pandemic as Part of Human Rights in the Perspective of Intellectual Property Rights**

The rule of law and the protection of human rights are inseparable things. The protection of the rule of law against human rights is manifested in the form of norms in the state constitution and laws, as well as law enforcement through the judiciary. Regarding the principle of protection, each constitution contains provisions that provide recognition and guarantees for human rights, including the right to life, the right to religion, the right to express opinions, the right to a decent living, the right to obtain health services, and other rights that are included in human rights (Andrieansjah, 2020).

Based on the notion of human rights, which are interpreted as the rights given to humans for their birth, human rights will always have a characteristic inherent in humans. Human rights are gifts from God that cannot be revoked by anyone, only God has the right to revoke them. According to Miriam Budiardjo, human rights are rights that humans have acquired and carried along with their birth or presence in society. It is considered that some rights are held without distinction on the basis of state, race, religion and gender, and are therefore fundamental and universal. The basis of all human rights is that humans must have the opportunity to develop according to their talents and ideals (Rutschman, 2020).

Failure to fulfill human rights will have an impact on reducing the human value that should be attached to every human being. Along with the dynamics of life, the human degree of human rights will always develop in accordance with the appearance of human life on earth. The right to life can be said to be the first human right granted to humans, which is then followed by other rights, such as the right to health for each citizen. The right to health of citizens is directly proportional to the obligations of the state in terms of its fulfillment, without exception and without discrimination for every citizen.

During the Covid-19 pandemic that is being faced by all countries in the world, including Indonesia, the right to health of citizens absolutely must be fulfilled as part of the obligation of the state or government. The right to health has an important position for the fulfillment of other human rights (Chen, 2021). Only in a healthy condition can each citizen be able to enjoy his other rights. Health insurance provides the first



guarantee for the realization of other human rights. Without health, we will not be able to enjoy other rights. Someone who experiences pain, of course, will have a reduced quality of life. Automatically will affect the fulfillment of the right to life as part of human rights that are first owned and inherent since human birth (Tejomurti, et.al., 2021).

In the scope of national regulation, Article 28 H paragraph (1) 1945 of the State Constitution of the Republic of Indonesia states that every person has the right to live in physical and mental prosperity, to have a place to live, and to have a good and healthy living environment and the right to obtain health services. Meanwhile, according to Article 9 of Law No. 39 of 1999 concerning Human Rights states that:

- a. everyone has the right to live, to maintain life and to improve their standard of living;
- b. everyone has the right to live in peace, security, peace, happiness, prosperity, physical and spiritual;
- c. Everyone has the right to a good and healthy environment.

Strengthening the guarantee of the right to health is also contained in the regulation of Article 4 of Law No. 17 of 2023 concerning Health. With the existence of human rights regulations for citizens, the State or government is obliged to protect human rights, ensure that human rights violations do not occur, and strive to achieve the fulfillment of human rights for every Indonesian citizen without exception. Related to the right to health, the government's responsibility and obligation is to provide health services for citizens, including in the context of providing the covid-19 vaccine for citizens without discrimination.

The fulfillment of state rights by providing vaccines directly refers to the correlation between human rights and intellectual property rights / IPR, both of which do not violate each other's domain in the 90s era. The two of them grew apart and did not disturb each other. Along with its development, it was found that the two of them were related to each other, both of them could contradict each other and both of them coexisted. IPR should not limit cultural participation and scientific access, but rather speed things up. IPR tries to compensate by providing incentives on the one hand and the other in terms of access. This shows that there is a compatibility between the two, seeing the position and the element of interest.

The focus of IPR is to expand the scope of IP protection by providing incentives and rewards for innovative activities, while the focus on human rights is the formation of norms that can prevent human rights violations. The presence of IPR legal instruments

is a form of human rights enforcement efforts. It can be said that violating IPR is identical or the same as violating human rights. The relevance of IPR and Human Rights is based on article 27.2 Declaration of Human Rights (UDHR), article 15 International Covenant on Economic, Social and Cultural Rights (ICESCR) which emphasizes the Recognition and Protection of IPR. The interaction between human rights and the IPR has actually occurred since the formation of the World Trade Organization (WTO) agreement, which includes aspects related to trade related to human rights in article 1.1.

The influence of intellectual property regulation in a country is correlated with the obligation to guarantee access of everyone to affordable drugs, regardless of the lack of balance in guaranteeing exclusive rights with human rights. TRIPs acknowledge strips recognizes that an optimal balance must be created between intellectual property rights and human rights. The most important priority for the world today is a universal distribution of vaccination against the Covid 19 pandemic. A number of parties support the release and neglect of Trade -Related Aspects of intellectual property rights (TRIPs) related to trade for the production of the COVID-19 vaccine. However, the question remains whether the easing of the TRIPs regulations for the Covid 19 vaccine will lead to a greater supply of vaccines than before and getting a vaccine that works for countries that need it, otherwise a way out must be sought. In addition, the existence of a voluntary license is not considered effective enough in dealing with the supply of the vaccine, therefore compulsory licensing must also be carried out in countries that need it. In the context of saving the world, it is not only based on business or an economy that is put forward, but must use morals and on a more effective level of justice and benefit, but also there must be a time limit that must be determined in advance. So that in the future, it will not cause harm to owners and holders of intellectual property rights.

Although a country is given the freedom to take action to fulfill a need for vaccines and drugs for its citizens, as in the provisions of TRIPs, that participating countries are given the freedom to take necessary emergency measures freely to protect public health. However, this action has not been able to show some of the optimal results. There are still many victims who have fallen to this day due to the Covid-19 pandemic.

In this case, many developing countries have taken these steps to save their citizens, including Indonesia. As a country that is responsible for its citizens, Indonesia can also take actions related to emergencies, including the issuance of Presidential Decree No. 11 of 2020 concerning the implementation of emergencies, public health caused by the COVID-19 pandemic, and Presidential Decree No. 12 of 2020 concerning

Determination of Non-Natural Disasters for the Spread of Corona. Virus Disease 2019 (Covid 19) as a National Disaster (Annisa, 2021).

Based on the flexibility of TRIPs, the state has the authority to regulate patentability, the use of mandatory licenses, and the implementation of patents by the government. The authority as regulated in the TRIPs exception is further expanded in the provisions of TRIPs concerning the use of Patents by the Government without the authorization of the patent holder as regulated in Article 31 of TRIPs by fulfilling many requirements, among others, first, various efforts have been made by the prospective user to obtain the said authorization based on the requirements. commercial, but this attempt is unsuccessful, this requirement can be waived in the case of for example a national emergency.

Futhermore Second, the scope and use of time is given only for the purposes for which it is planned to be authorized; Third Use is non-exclusive; Fourth Use is non-transferable; The fifth use is mainly for the benefit of the Domestic Market; The six uses can be terminated if the terms of granting use are no longer valid; The seven rights holders are paid commensurately; Eighth, the decision for the use can be legally reviewed by the judiciary; Ninth, remuneration decisions are subject to review by the judiciary; Tenth, specifically in the implementation of a patent (eg Patent II) which can only be done by violating another patent. Ninth, Decisions regarding remuneration are subject to review by the judiciary; Tenth, specifically in the implementation of a patent (eg Patent II) which can only be done by violating another patent. Ninth, Decisions regarding remuneration are subject to review by the judiciary; Tenth, specifically in the implementation of a patent (eg Patent II) which can only be done by violating another patent.

Based on this authority, TRIPs have provided flexibility, where the state can issue licenses to meet medical needs related to dealing with covid 19. However, many countries say that Covid 19 is an extraordinary emergency and IP protection hinders the supply of vaccine products and medicines as well as medical equipment. in an affordable and timely manner so that extraordinary action is needed, namely the waiver of intellectual property, as proposed by the countries of India and South Africa in the WTO on October 2, 2020, so that without the need for a license a country can supply its needs in the form of production, import, export, and other medical equipment. The implementation of the Patent Waiver is not as simple as discussed at the international level, even though the inventor of the patent on the Astrazeneca vaccine has relinquished that right. So far, these efforts have not yielded tangible results.

Like the TRIPs-Doha Declaration in 2001, WTO member countries have agreed on the Doha Declaration regarding access to medicines and the freedom of member states to protect public health without compromising the rights of patent holders. Access to medicines must be based on the criteria of Emergency (emergency) or other situations that are very urgent (extreme urgency). The Doha Declaration agreed on the principle of implementing patents by the government in line with the provisions of TRIPs in Article 31 of TRIPs. In an emergency, the state can produce drugs without paying patent royalties, but it needs to be replaced with certain payments that are lower than patents.

Concerning TRIPs and the Doha Declaration and public health, the European Union responds as outlined in the WTO draft. Namely Recognizing that there is a global health and economic crisis, the need for an immediate response, recognizing the need for joint global efforts to ensure all countries have access to safe and effective vaccines and medicines, fair and equitable distribution of vaccines and medicines in the fight against Covid 19, the need for joint efforts to increase production capacity and investment and supply at affordable costs. The need for investment in research in vaccine and drug development especially given the continued emergence of new virus variants needs to be comprehensive and include, but not be limited to, ensuring that intellectual property systems support efforts to increase production and provision of vaccines and drugs, pandemics pose special challenges for developing and least developed countries.

The TRIPS Agreement does not and should not prevent Members from taking action to protect public health. Therefore, while reaffirming our commitment to the TRIPS Agreement, we believe that the Agreement can and should be interpreted and implemented in a manner that supports the rights of WTO Members to protect public health and, in particular, to promote access to vaccines and medicines for all. reaffirms the right of WTO Members to use the provisions of the TRIPS Agreement, which provide flexibility for this purpose, including those relating to the mandatory licenses in Articles 31 and 31bis. However, the flexibility of TRIPs and the Doha Declaration is considered inadequate, by some developing countries. Because they think there is still a lot to be prepared, even though they are given a patent waiver. However, if the domestic supply does not allow it to produce it yourself, it is still necessary to import it.

The flexibility of TRIPs in the Patent Law, related to the use of Covid-19 vaccine patents, is in Articles 81-107 related to Compulsory Licensing, Government Use of Patents Article 109 - Article 120, as well as Bolar and Parallel Imports in Article 167. In Article 109 paragraph 1 The government may implement its own patent in Indonesia

based on the consideration of a very urgent need for the benefit of the community. In Article 111 letter an of the Patent Law. The implementation of a Patent by the Government as referred to in Article 109 paragraph 1 letter b is a very urgent need for the public interest. includes pharmaceutical products, and or biotechnology which is expensive or necessary to treat diseases that can cause sudden death in large numbers, cause significant disability and is a public health emergency that is troubling the world. At this time the needs of the community are vaccines and drugs as pharmaceutical products and other medical equipment. However, it is implemented in a limited manner and in meeting domestic needs and is non-commercial (paragraph 2), which is then stipulated in a Government Regulation. However, in the implementation of articles 109 and 111, it does not reduce the rights of patent holders to exercise their exclusive rights as stipulated in Article 9 of the Patent Law. Based on this, pharmaceutical products including vaccines and Covid-19 drugs can be carried out by the government themselves. Patent exercise can only be granted for pharmaceutical patents that have been registered in Indonesia.

### **3. The Ideal Concept of Regulating International World Cooperation in the Context of Equitable Covid Vaccines 19**

As discussed in the previous sub-section, it can be concluded based on regulations at both the national and international levels that a country must protect its citizens in rescue from a pandemic outbreak, especially in exercising human rights related to health, that every citizen is guaranteed his right until he is recovered from the infection also he suffered due to covid 19.

From the IPR perspective, there are several efforts, including first the release or neglect of the absolute application of exclusive rights, and monopoly rights over intellectual property rights such as Patents, Trademarks, and Trade Secrets temporarily until the pandemic ends, secondly the enactment or stipulation of the use of licenses. Voluntary and compulsory licenses, thirdly, there must be other options in case the first and second steps are insufficient vaccine supply. These three efforts are in the context of fulfilling the supply of drugs and vaccines that are directly correlated with the fulfillment of a country's health rights, where there are reasons to justify all steps and efforts in overcoming this Covid pandemic.

The steps taken still require further agreement between the holder of the invention and the users of the invention on a country scale. Including the agreement of world-level organizations, namely WHO and WTO, which obliges all countries to participate and

feel responsible for saving the world from this covid outbreak regardless of status as a developed country and a developing country or a poor country. This needs to be adjusted to the conditions and capabilities of each country so that the issue of intellectual property rights does not become an obstacle in obtaining the implementation of human rights, especially in access to health.

## Conclusion

The ideal form of agreement is an agreement starting from equality in getting access to health, which is part of human rights that must be upheld. The agreement between rich and poor countries must also involve international organizations, namely World Health Organization (WHO) and World Trade Organization (WTO), World Intellectual Property Organization (WIPO), which is directly or indirectly responsible for overcoming this pandemic. Direct organizational involvement represents a human rights and intellectual property rights perspective. The IPR perspective is represented by WIPO and the WTO / TRIPS Agreement while in the Human Rights perspective it is represented by WHO. All this needs to be formulated carefully and carefully so that no party will be harmed later WIPO is directly or indirectly responsible for tackling this pandemic. Direct organizational involvement represents a human rights and intellectual property rights perspective. The IPR perspective is represented by WIPO and the WTO / TRIPS Agreement while in the Human Rights perspective it is represented by WHO. All this needs to be formulated carefully and carefully so that no party will be harmed later WIPO is directly or indirectly responsible for tackling this pandemic. Direct organizational involvement represents a human rights and intellectual property rights perspective. The IPR perspective is represented by WIPO and the WTO / TRIPS Agreement while in the Human Rights perspective it is represented by WHO. All this needs to be formulated carefully and carefully so that no party will be harmed later.

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