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INSTITUTE FOR  
INTERNATIONAL LAW  
AND JUSTICE

28<sup>th</sup> Annual Herbert Rubin and Justice Rose Luttan Rubin  
International Law Symposium

# Inter-Pandemic Vaccine Regulation: Justice and Global Equity

*Inauguration of the Pauline Newman Program  
in Science, Technology, and International Law*

New York University School of Law  
245 Sullivan St., 9<sup>th</sup> Floor, Lester Pollack Colloquium  
October 28, 2022  
9:00am-5:00pm EST

## WiFi Access

SSID: nyuguest  
Username: guest110  
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# Program

**9:00–9:05**

## **Introductory Remarks**

Troy McKenzie '00, Dean and Cecelia Goetz Professor of Law  
New York University School of Law

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**9:05-9:10**

## **Welcome from Herbert Rubin'42 (pre-recorded)**

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**9:10-9:30**

## **Launch of the Pauline Newman Program in Science, Technology, and International Law**

**Rochelle Dreyfuss**

Pauline Newman Professor of Law Emerita, New York University School of Law

**Honorable Pauline Newman '58,**

United States Court of Appeals for the Federal Circuit

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**9:30-10:00**

## **Keynote Address**

**Dr. Ayoade Olatunbosun-Alakija, WHO Special Envoy for the ACT-Accelerator,  
Co-Chair of the ACT-Accelerator and Chair of the African Union Africa Vaccine  
Delivery Alliance**

with introduction by Benedict Kingsbury, Vice Dean and Murry and Ida Becker  
Professor of Law; Director, Institute for International Law and Justice; Faculty  
Director, Guarini Institute for Global Legal Studies, New York University School of  
Law

10:00-11:30

## Vaccine Manufacturing & Development: Who, Where, and How?

The COVID-19 pandemic demonstrated the advantages of enacting legal regimes that establish strong incentives to invent. Effective vaccines were developed in record time thanks to the efforts and financial support of both private and public institutions. At the same time, however, the pandemic revealed the costs of the current legal order. Vaccines were allocated unequally and, in many instances, that allocation led to unjust distributional outcomes. Trade secrets and patents were invoked to protect critical information about vaccines, manufacturing processes, and clinical trial data.

Taking account of the complex law and governance elements of vaccine innovation, development, production, authorization, and distribution, what are the pathways for improving distributional outcomes and correcting potential injustices? What type of private arrangements and/or regulatory frameworks might be best suited for vaccine development, production, and promotion of more equitable distribution in future epidemics?

### Chair

**Rochelle Dreyfuss, Pauline Newman Professor of Law Emerita, New York University School of Law**

### Panelists

**Jorge Contreras, James T. Jensen Endowed Professor for Transactional Law, University of Utah, College of Law**

“Pathogenic Genomes as Global Public Goods: The Need for an International Ban on the Enclosure of Pathogenic Sequence Data”

**Peter K. Yu, Regents Professor of Law and Communication and Director, Center for Law and Intellectual Property, Texas A&M University School of Law**

“Vaccine Innovation and Development: China’s Present and Future Roles in the International Regulatory Framework”

**Esther van Zimmeren, Associate Professor in Intellectual Property (IP) Law & Governance Faculty of Law of the University of Antwerp (remote)**

“Trusting or Distrusting Private Arrangements and Regulatory Framework for Vaccine Innovation and Development?”

**11:30-11:50**

**Coffee Break**

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**11:50-12:30**

Julia Spencer, New York University School of Law **in conversation with**

Heidi Larson, Professor of Anthropology, Risk and Decision Science and Founding Director of the Vaccine Confidence Project at the London School of Hygiene & Tropical Medicine

**and**

Peter Piot, Handa Professor of Global Health and former Director of the London School of Hygiene & Tropical Medicine; EU Chief Scientific Advisor Epidemics & Special Advisor on Covid-19 to the European Commission President

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**12:30-13:30**

**Lunch**

**Room 910: Paper posters for viewing and discussion by:**

**Navya Dasari, '23**

“Giving the World a Shot: Increasing Access to COVID-19 Vaccines by Expanding Local Production”

**Katarina Sydow, '22**

“Exclusion of vulnerable populations from vaccination due to public-private indemnity agreements”

**Jessica Buchler, '21**

“The Role of the ICRC and the Red Cross and Red Crescent Movement in Facilitating Access to COVID-19 Vaccines in Last-mile Areas”

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**13:30-15:00**

## **Roundtable: Law and Policy of Global Transfers**

Access to biological specimen, genetic data, technology, and know-how is essential not only for reactive managing of pandemics but also for the creation of resilient and well-maintained health systems and infrastructures that can be used adaptively to manage future detection, surveillance, and containment of viruses with pandemic potential.

The roundtable will discuss questions such as: What type of transfers, and to whom, are necessary for global management of pandemics? What role do law and legal technologies play in enabling (or impeding) such transfers and in maintaining and sustaining institutions that would make productive use of the transferred materials, data and expertise?

### **Chair**

**Margo Bagley, Asa Griggs Candler Professor of Law, Emory University School of Law, Hieken Visiting Professor in Patent Law, Harvard Law School (Fall 2022)**

### **Panelists**

**Nicholson Price, Professor of Law, University of Michigan Law School**

“Infrastructure for transfers of manufacturing information and know-how for vaccines and other products”

**Ana Santos Rutschman, Professor of Law, Villanova University Charles Widger School of Law**

“Vaccine Contracts for Pandemic Preparedness and Response”

**Salome Viljoen, Assistant Professor of Law, University of Michigan Law School**

“Vaccine production knowledge transfer: what role for data governance?”

**Rebecca Grais, Executive Director, Pasteur Network (remote)**

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**15:00-15:30**

**Coffee Break**

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15:30-17:00

## **Roundtable: Colonialism and Postcolonialism in Pandemic Law & Governance**

Historic practices and paths for pandemic governance, informed by colonial and post-colonial dynamics, have contributed to structural and systemic inequities in pandemic governance. How can lessons from development of, and contestation over, vaccines in the past (e.g., smallpox) inform our pathways forward? What role can law, information, misinformation, digital communication technologies, as well as a range of human-centered responses (e.g., rights, distrust associated with historic mistreatment of marginalized groups by scientific and medical professions, etc.) play in mediating complex relationships inter-states as well as between states and their constituents? What mechanisms, which institutions, and which scales of governance might be most effective in achieving equity and justice in the context of inter-pandemic governance?

### **Chair**

**César Rodríguez Garavito, Professor of Clinical Law and Faculty Director and Chair of the Center for Human Rights and Global Justice, New York University School of Law**

**José Enrique Alvarez, Herbert and Rose Rubin Professor of International Law, New York University School of Law**

### **Panelists**

**Sharifah Sekalala, Professor of Global Health Law, University of Warwick**

**Katarina Sydow, Senior Research Scholar, New York University School of Law**

**Jack Jin Gary Lee, Assistant Professor of Sociology, The New School for Social Research (presenting work co-authored with Lynette J. Chua, National University of Singapore Faculty of Law)**

**Tahir Amin, Co-Founder and Co-Executive Director of the Initiative for Medicines, Access & Knowledge (I-MAK)**

**Navya Dasari, IILJ Joyce Lowinson Scholar, Furman Public Policy Scholar**

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17:00

## **Concluding remarks**

**Young G. Park, Editor-in-Chief, Journal of International Law and Politics, New York University Journal of International Law & Politics**