



Madam Chair, Honourable Ministers, Mr. Director General, Distinguished Delegates,

The South Centre is pleased to be observing the fifty-fourth series of meetings of the Assemblies and wishes you all success in your deliberations.

WIPO needs to adopt a development-oriented approach in its technical assistance and normative agenda to ensure that IP systems are responsive to national economic and social development goals in developing countries and LDCs. As a UN specialized agency, under the agreement between the UN and WIPO, WIPO is responsible for taking appropriate action in accordance with its basic instrument, treaties and agreements administered by it, *inter alia*, for promoting creative intellectual activity and for facilitating the transfer of technology related to industrial property to the developing countries in order to accelerate economic, social and cultural development. In this context, we hope that there will be greater alignment of the Secretariat's Medium Term Strategy in the period after 2015 to reflect the shared vision of member States.

We must recognize that developed countries have followed weaker systems of IP protection than they currently do when they were in the early stages of industrial development. Till 1977 Switzerland (and Germany till 1967) did not recognize patents on medicines. Until 1891, the US was a net importer of copyright material and only protected American authors. Developing countries must benefit from similar flexibility with regard to IP.

WIPO's technical and legislative assistance activities should be development oriented. There is a need to explore public health oriented approaches to examining pharmaceutical patent applications, as reflected in the guidelines adopted by Argentina and the proposal by DAG/Africa Group in the SCP. Discussions on building respect for IP should move beyond enforcement and public awareness of IP rights to also address prevention of abuse of IP rights. For example, in Australia if a pharmaceutical patent holder obtains an injunction against a generic manufacturer, and the infringements proceedings are found to be invalid, the patentee will have to pay damages to the government for losses to the public health programme due to the delay in access to the generic medicine.

Full and adequate implementation of the Development Agenda and mainstreaming development in WIPO is a continuous and shared task of the Secretariat and Member States in all WIPO bodies, systems and activities. It is not politics. The conclusion of the Marrakesh Treaty shows that consensus outcome that responds to clear needs is possible in WIPO.

We hope that the Assemblies will give guidance to the WIPO norm-setting committees in their work, particularly to progress on text-based negotiations in the IGC that are outstanding since 2000, and establishing a concrete work program on limitations and exceptions for libraries and archives.

Thank You.