



SOUTH CENTRE

South Centre Statement to the WIPO Assemblies 2016

The South Centre is the intergovernmental organization of developing countries with 53 member states across Africa, Asia, Central and Latin America.

The South Centre supports multilateral work towards an inclusive, balanced and flexible international intellectual property (IP) system that benefits all countries and all types of users.

The current framework is still far from that ideal.

For many members of the World Intellectual Property Organization (WIPO), developing countries and LDCs, the current international system for intellectual property (IP) protection and its enforcement creates a restrictive, rather than supportive framework for achieving inclusive and sustainable development; as envisaged by the United Nations (UN) sustainable development goals. At the same time, the IP system has been slow to incorporate issues of priority for developing countries, such as improving transparency in patent applications for inventions that utilize genetic resources or traditional knowledge.

Developing countries and LDCs need policy space to craft suitable national IP regimes.

The greatest challenge is the proliferation of regional and bilateral trade and investment agreements that impose IP obligations on developing countries and LDCs, and the coercive external political and economic pressure to restrain from making use of the flexibilities in the IP system. WIPO should denounce this and support the use of flexibilities, especially by developing countries and LDCs. Such undue pressure undermines multilateralism, restricts national policy space, fosters mistrust and may reduce respect for IPRs.

We note that the recent report of the High-Level Panel on Access to Medicines established by the UN Secretary General highlights this problem, specifically pointing to the trade pressures faced by developing countries to forgo their legal right to make use of TRIPS flexibilities for public health. The South Centre supports the recommendations of the panel report.

We encourage WIPO Members to give priority to multilateral IP norm-setting; to foster new balanced norms and undertake necessary revisions. We congratulate Members for the entry into force of the ground - breaking Marrakesh Treaty to facilitate access to published works by visually impaired persons and persons with print disabilities on 30th September. We encourage all WIPO Members to ratify the treaty. The South Centre also hopes that the same spirit of Marrakesh can bring Members to give due effect to the mandate given by the General Assembly to reach agreements on pending issues. In particular, the South Centre supports international norm-setting to require the disclosure of the origin and source of genetic resources, including derivatives, and traditional knowledge in patent applications, and to allow countries at the national level to require such disclosure requirement to be extended to other relevant IP rights. The South Centre also supports advancement of the norm-setting activities on limitations and exceptions on copyright and related rights, and further work on patents and public health.

WIPO, as part of the United Nations must contribute to the implementation of the UN sustainable development goals to achieve inclusive and sustainable development for all countries and peoples. The WIPO Development Agenda recognizes the different context, needs and priorities of developing countries and LDCs in new norm-setting and WIPO technical assistance. Advancing the WIPO Development Agenda remains a priority. The South Centre is hopeful that the new Medium Term Strategic Plan for 2016-2019 will give new emphasis to aligning its work to achieve the UN SDGs and strengthening development considerations. The South Centre looks forward to the discussion of the external review of the implementation of the Development Agenda recommendations in the Committee on Development and Intellectual Property (CDIP). The discussion is an opportunity to strengthen and align the WIPO Development Agenda with the UN Sustainable Development Goals.

The South Centre will continue to support its Member States and all G-77 countries in enhancing South-South cooperation on IP and in their continuous efforts to align national IP policy and norms to their development goals.

We warmly invite all WIPO Members to join the South Centre side event on the Future of the Development Agenda that will be held on 4 October from 13:00 – 15:00.