



**South Centre Statement at the 27th Session of the World Intellectual Property Organization (WIPO) Standing Committee on the Law of Patents**

**11 December 2017**

As this year's work in the WIPO substantive committees will end with the conclusion of the 27th session of the Standing Committee on the Law of Patents (SCP), we are reminded that next year will mark the tenth anniversary since the SCP had reconvened in 2008 with a focus on developing a balanced work programme on issues relating to the law of patents to also address development and public policy questions that arise in the context of the patent system. The work of the SCP, in this sense, is integral to advancing the WIPO Development Agenda.

Important issues that remain on the SCP agenda include exceptions and limitations to patent rights, quality of patents including opposition systems, patents and health and transfer of technology. A number of studies, fact-finding surveys, and experience-sharing sessions have informed the discussions on these issues. The SCP now has sufficient tools to develop impactful solutions to address identified challenges that arise in the context of the patent system and its interface with various public policy questions.

The development of a draft reference document on the regulatory review exception marks concrete progress towards developing a reference document on exceptions and limitations to patent rights that can be a useful reference tool for member States in the process of designing their patent laws and policies in the context of their development priorities and challenges. The SCP should advance its work in this regard to develop reference documents on other exceptions and limitations to patent rights.

On quality of patents, the SCP should also address the importance of patent opposition systems, pre-grant and post grant, for ensuring the grant of high quality patents through a robust search and examination process.

On patents and health, the SCP should substantially engage on the proposal by the Development Agenda Group and African Group on patents and health that was submitted in 2011 and updated at the 24th session of the SCP. It is important to note in this context that many elements of the DAG and African Group proposal are reflected in the recommendations of the United Nations Secretary-General's High Level Panel on Access to Medicines (UNHLP)<sup>1</sup>, which have been adopted by consensus among all members of the UNHLP after extensive consultations with a diversity of stakeholders all over the world. Furthermore, we are of the view that any review of existing literature on patents and health should be limited strictly to consideration of patent related issues pertaining to access to medical products rather than other health systems related issues impacting access to medicines.

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<sup>1</sup><https://static1.squarespace.com/static/562094dee4b0d00c1a3ef761/t/57d9c6ebf5e231b2f02cd3d4/1473890031320/UNSG+HLP+Report+FINAL+12+Sept+2016.pdf>.