



**Statement in Support of Discussions on Counterfeiting in the Biotechnology Sector and
the Prevention of Biopiracy
WIPO Advisory Committee on Enforcement (ACE)**

Chair, Distinguished Delegates,

We recall the agreement embodied in the World Intellectual Property Organization (WIPO) Development Agenda recommendation 45 to approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns. In this regard, we welcome the inclusion of the **impact of counterfeiting in the biotechnology sector** on the agenda of this Committee. This discussion is timely and necessary, as the biotechnology sector plays a crucial role in addressing global challenges, including public health, food security, and environmental sustainability. However, alongside concerns about counterfeiting, we must also recognize the **growing risks of misappropriation of genetic resources and traditional knowledge**, which disproportionately affect biodiverse developing countries.

The biotechnology sector **depends on fair, ethical, and legal access to bio-inputs**, including genetic resources and traditional knowledge held by Indigenous Peoples and Local Communities (IPLCs). Unregulated or improper intellectual property (IP) claims over such resources—often described as **biopiracy**—undermine **legal certainty, innovation, and biodiversity preservation**. Such practices also exacerbate economic losses and weaken the objectives of the Sustainable Development Goals (SDGs).

To ensure a **balanced, development-oriented IP enforcement framework**, we encourage the ACE to:

1. **Document National Experiences** – Share insights on how countries are tackling the misappropriation of genetic resources and traditional knowledge through their IP and enforcement policies.
2. **Develop Case Studies** – Identify instances where IP enforcement mechanisms have been misused to facilitate biopiracy and explore effective legal and policy responses.

3. **Strengthen Capacity-Building Efforts** – Enhance training programs for enforcement officials to prevent misapplication of IP rights that result in the unfair exploitation of biodiversity and traditional knowledge.
4. **Promote International Cooperation** – Foster synergies between WIPO’s work on IP enforcement and ongoing discussions in other WIPO bodies, particularly the **Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (IGC)**.

We strongly support efforts to **combat counterfeiting in the biotechnology sector**, but it is equally critical to ensure that IP enforcement **does not inadvertently facilitate the unjust exploitation of genetic resources and traditional knowledge**. A well-calibrated enforcement approach must **protect legitimate rights while preventing misappropriation**, in line with WIPO’s Development Agenda and broader international commitments.

We look forward to constructive discussions on this issue and urge the Committee to take steps that reflect the interests of all stakeholders, including biodiverse developing countries and IPLCs.

Thank you.