

# WIPO



SCP/11/4

ORIGINAL: English

DATE: April 21, 2005

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

E

## STANDING COMMITTEE ON THE LAW OF PATENTS

Eleventh Session  
Geneva, June 1 and 2, 2005

STATEMENT RECEIVED FROM BRAZIL

*prepared by the International Bureau*

1. The Annex to this document contains a communication received from the Permanent Mission of Brazil in Geneva, requesting that the accompanying Statement on behalf of the “Group of Friends of Development,” be distributed as an official document of the eleventh session of the Standing Committee on the Law of Patents (SCP) to be held on June 1 and 2, 2005.

2. *The SCP is invited to consider the contents of the Annex.*

[Annex follows]

ANNEX



*Permanent Mission of Brazil in Geneva  
Avenue Louis Casati 71 -1216 Cointrin  
Geneva - Switzerland*

Nº. 270/2005

The Permanent Mission of Brazil in Geneva presents its compliments to the International Bureau of the World Intellectual Property Organization and is honored to address a matter relating to the 11th Session of the Standing Committee on the Law of Patents (SCP), which has been scheduled to take place on 1 and 2 June 2005.

The Permanent Mission, on behalf of the Group of Friends of Development, kindly requests the International Bureau to distribute the annexed Statement regarding the informal consultations held in Casablanca, Morocco, on February 16, 2005 -- which had been previously forwarded to the International Bureau on March 7th, 2005 - - as an official document of the 11th session of the SCP, under item no. 6 of the draft agenda (document SCP/11/1) on the "Work program for the Standing Committee on the Law of Patents". The Group of Friends of Development invites the SCP to consider and adopt the recommendation and work program for the SCP referred to in Paragraph 5 of the annexed Statement, and to transmit them to the WIPO General Assembly at its meeting in September 2005 for consideration and approval.

The Permanent Mission of Brazil avails itself of this opportunity to renew to the World Intellectual Property Organization the assurances of its highest consideration.

Geneva, April 14<sup>th</sup>, 2005

World Intellectual Property Organization  
Geneva

WIP

### **Statement of the Group of Friends of Development**

Regarding a statement released at the end of informal consultations by some participants who took part in a meeting held in Casablanca, Morocco, on February 16, 2005, convened by the International Bureau of WIPO, the **Group of Friends of Development** (Argentina, Brazil, Bolivia, Cuba, Dominican Republic, Ecuador, Egypt, Iran, Kenya, Peru, Sierra Leone, South Africa, Tanzania and Venezuela) wishes to:

1. Recall that an inclusive, transparent and open-ended *modus operandi* is a core element behind the idea of making WIPO and the intellectual property system more responsive to the needs and interests of developing and least developed countries. This is part of the broader concept contained in the call for an effective and substantive “Development Agenda” for WIPO.
2. Underline the mandate of the General Assembly to the effect that “the date of the next Standing Committee on Law of Patents (SCP) should be determined by the Director General following informal consultations that he may undertake”. Accordingly, such consultations must be focused on establishing a date for convening the SCP. They cannot involve, modify or affect decisions adopted by the General Assembly, more so on matters of substance as those related to the controversial SPL T negotiations, or establish a work programme.
3. Stress that the General Assembly adopted a specific Decision in relation to the Proposal for the Establishment of a Development Agenda for WIPO. This is an issue of the utmost importance to countries who co-sponsored the proposal and it shall be further examined and elaborated upon in April 2005, at the first formal inter-sessional intergovernmental meeting, at which the entirety of the Organization’s membership will be represented. The Decision states that the inter-sessional intergovernmental meetings will prepare a report for consideration of the next General Assembly.
4. Reaffirm the importance they attach to multilateralism and their commitment to strengthening it also within the sphere of WIPO through constructive and concrete proposals for a work program of the Organization that serves the interest of all members, particularly those of developing and least developed countries. In this context, they are also committed to work towards consensus building on all issues under consideration.
5. Reaffirm that:
  - o Should an SCP meeting be convened for the next month of May, it should consider and endorse the continuation of the negotiations of the SPL T on the basis of the draft treaty as a whole, including all the amendments that had been tabled by Member States to ensure a balanced treaty on the substantive harmonization of patent law that will address the concerns of all parties to the negotiations. To that end, the SPL T should include, *inter alia*, provisions on the transfer of technology,

on anti competitive practices, on the safeguarding of public interest flexibilities, as well as specific clauses on principles and objectives.

- o The Members States of the SCP have the prerogative to decide on the convenience and opportunity of transmitting to the General Assembly any proposals presented to the SCP on issues under the competence of that Standing Committee.
6. Request the International Bureau formally to circulate the present Statement to all Member States of WIPO as soon as possible.

Geneva, March 7th, 2005

[End of Annex and of document]