

**55<sup>th</sup> Assemblies of the Member States of WIPO  
Third World Network's General Statement  
6<sup>th</sup> of October, 2015**

*Gracias señor presidente por la oportunidad de dirigirme a esta asamblea el día de hoy.*

This year's WIPO Assembly is taking place right after the UN Summit on the post-2015 development agenda that has set the path for the next 15 years of achieving 17 Sustainable Development Goals (SDGs).

Access to technology has been recognised as an important means for achieving the SDGs. This recognition is clearly reflected by the creation of the Technology Facilitation Mechanism through the Addis Abba Action Plan which has been integrated into the post-2015 Development Agenda outcome document.

Against this background WIPO, as a specialised agency of the UN, should work proactively to help developing countries to implement the post-2015 development agenda and in this direction we call upon WIPO and its Member States to not shy away from addressing the barriers created by intellectual property rights (IPRs) in promoting and facilitating technology transfer.

During the last 20 years, i.e. since the adoption of the TRIPS Agreement, more and more evidence has become available on the negative externalities of IPRs on innovation and access to technologies.

Similarly, the UN Secretary-General transmitted to the General Assembly, earlier this year, the report of the Special Rapporteur in the field of cultural rights, which reads:

“ Patent laws should place no limitations upon the rights to health, food, science and culture, unless the State can demonstrate that the limitation pursues a legitimate aim, is compatible with the nature of this right and is strictly necessary for the promotion of general welfare in a democratic society<sup>1</sup>”

Challenges of IPRs on development strategies call for reform of WIPO in its approach to IP as well as its governance structure. While WIPO earns its major share of revenue through the services it provides to IP owners, its norm setting and technical assistance should not be influenced or be driven by the interests of revenue from those IP services. The norm setting and capacity building activities should be driven by the development concerns rather than revenue generation concerns.

There should be firewalls to prevent conflict of interests and WIPO should put in place a comprehensive conflict of interests policy to prevent individual and institutional conflict of interests. WIPO should also publish the declaration of

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<sup>1</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N15/243/83/PDF/N1524383.pdf?OpenElement>

interest from the external consultants and experts who are engaged for the various technical assistance activities and studies.

There is an urgent need to re-orient the functions of WIPO to the letter and spirit of the agreement with the UN and to mainstream the WIPO development agenda to fit the purpose of serving the development aspirations of humanity.

Muchas gracias