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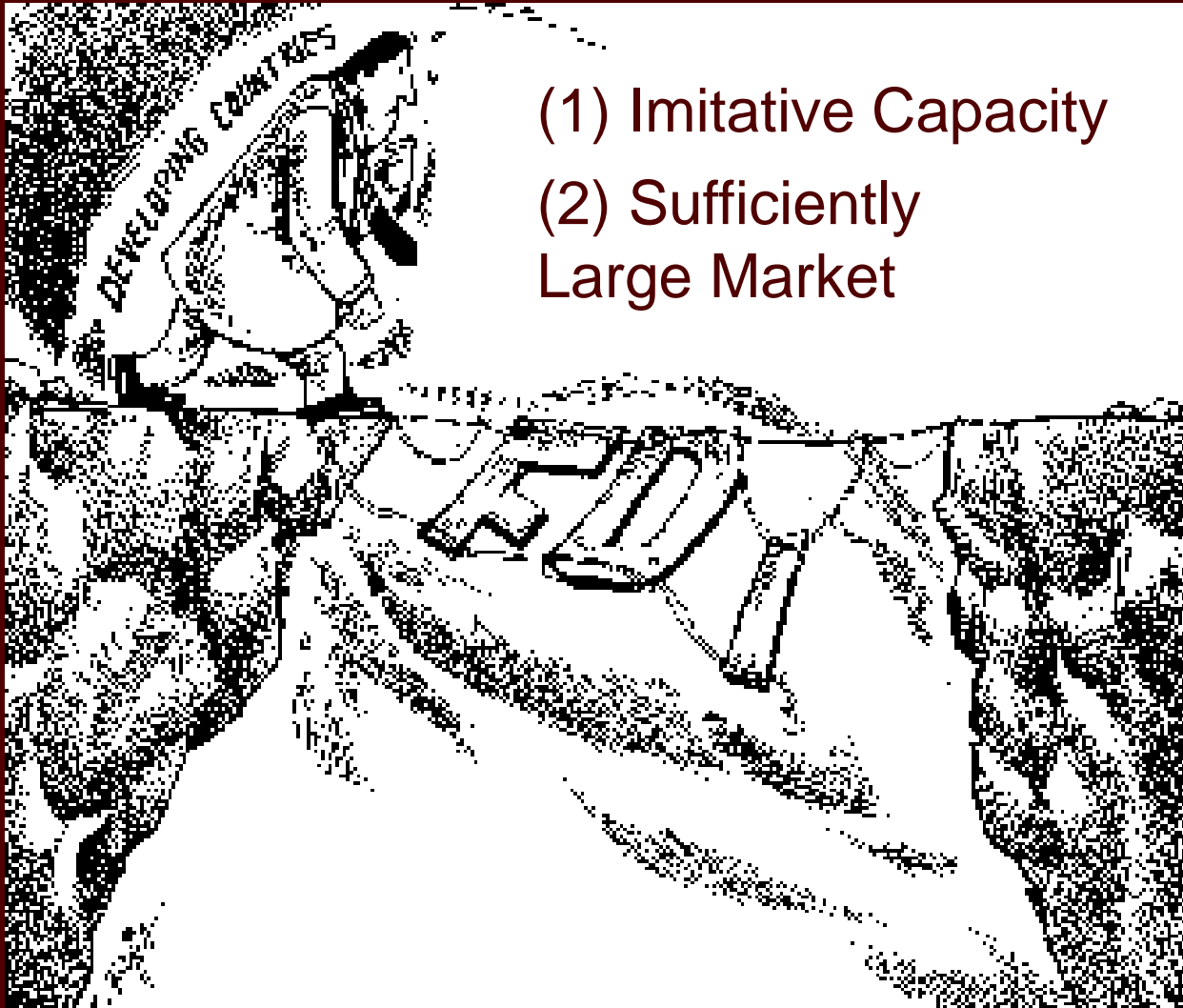
Realigning International IP Negotiations with UN Sustainable Development Goals



Good or Bad
for
Development?



It depends.



(1) Imitative Capacity

(2) Sufficiently
Large Market







Committee on Development and
Intellectual Property (Oct.–Nov. 2016)

Directly Related:

SDG 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

SDG 17: Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

Also Relevant:

SDG 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture

SDG 3: Ensure healthy lives and promote well-being for all at all ages

SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

SDG 7: Ensure access to affordable, reliable, sustainable and modern energy for all

SDG 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

SDG 13: Take urgent action to combat climate change and its impacts



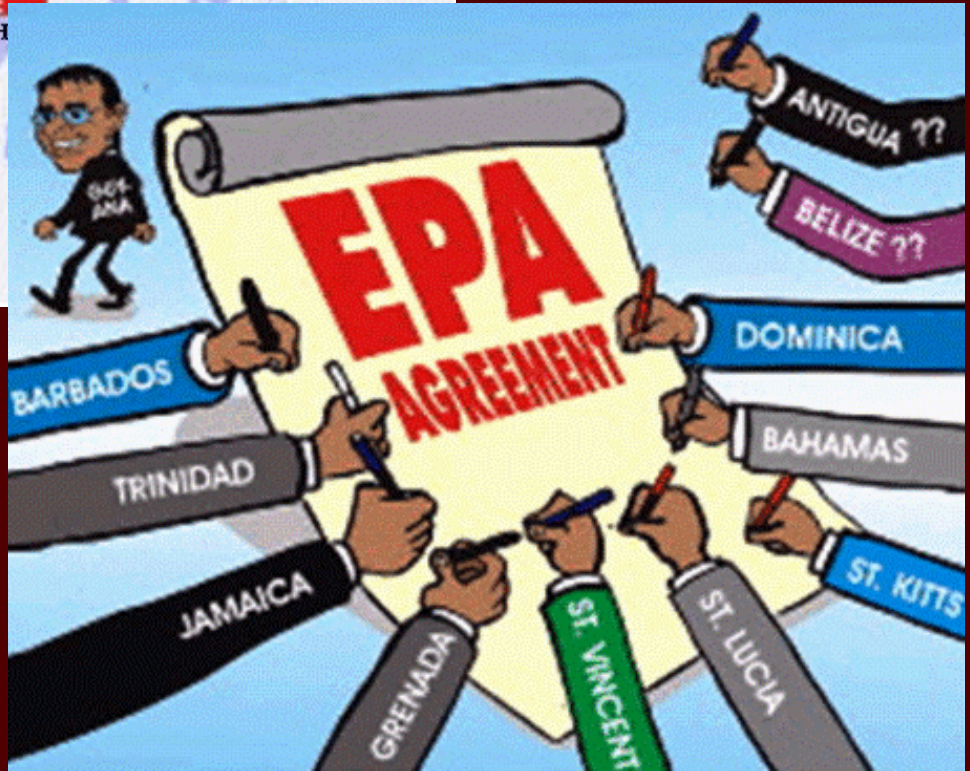
TRIPS Agreement

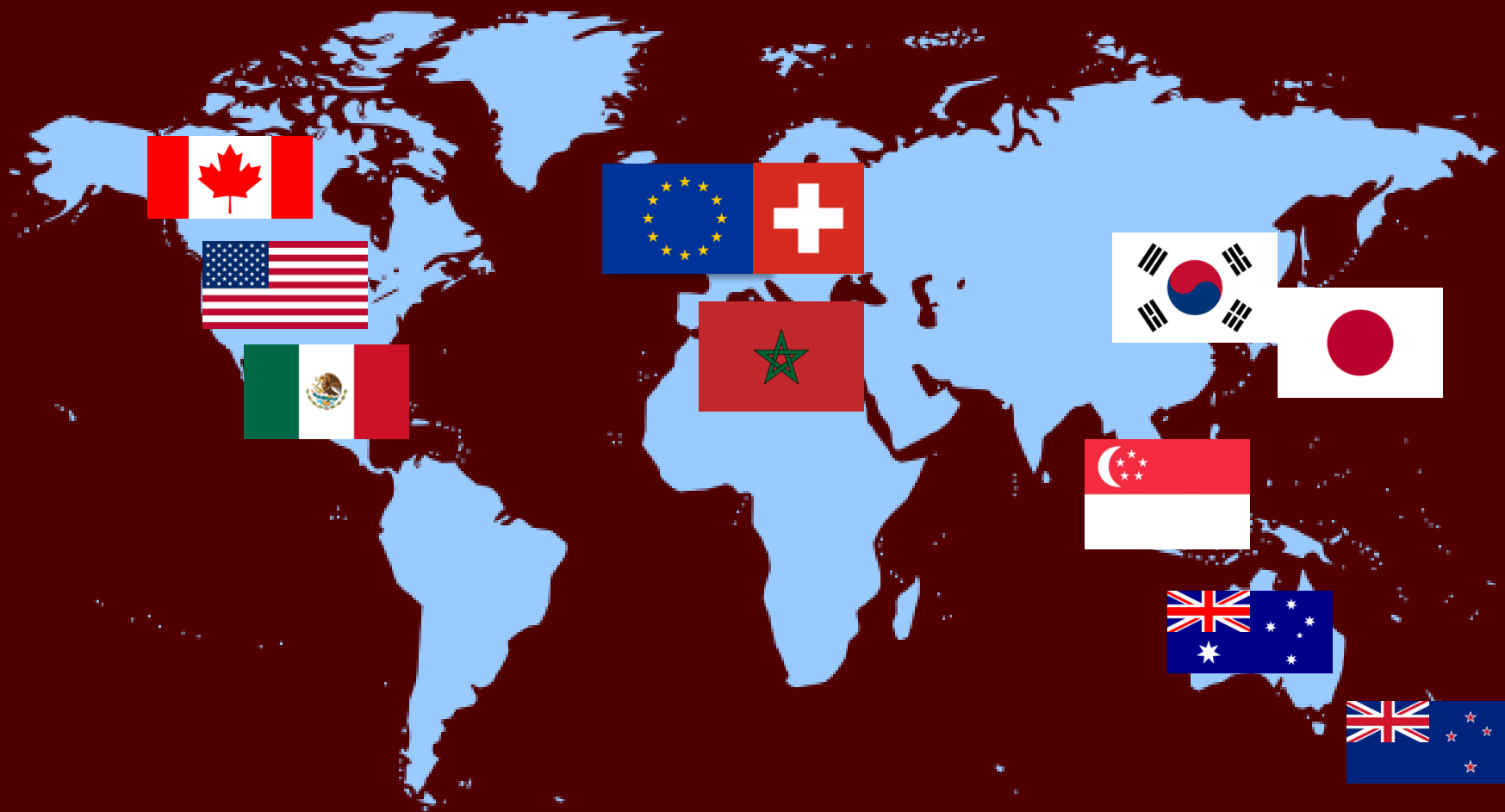


Happy
Birthday
TRIPS@25

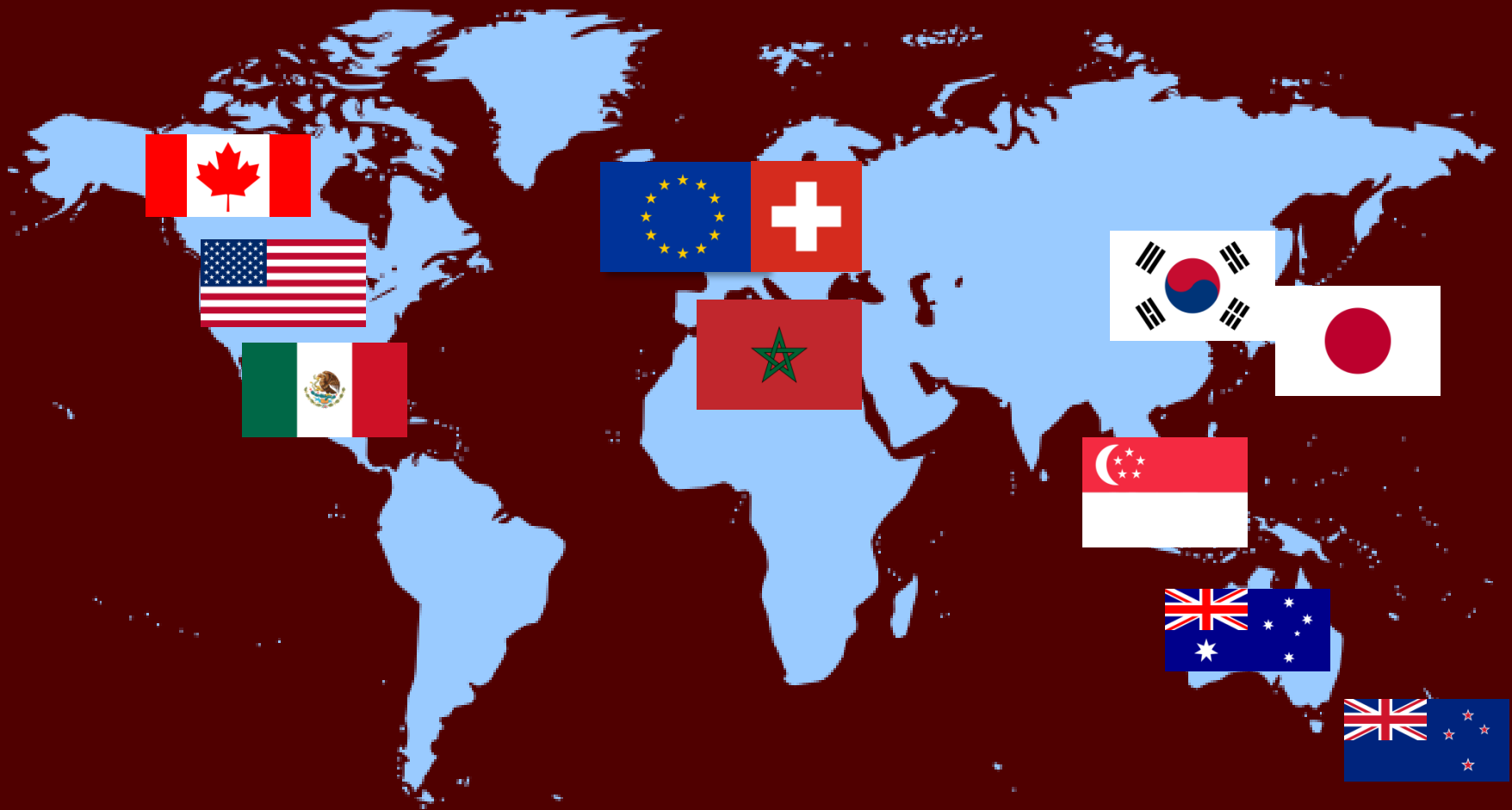
TRIPS-Plus IP Agreements

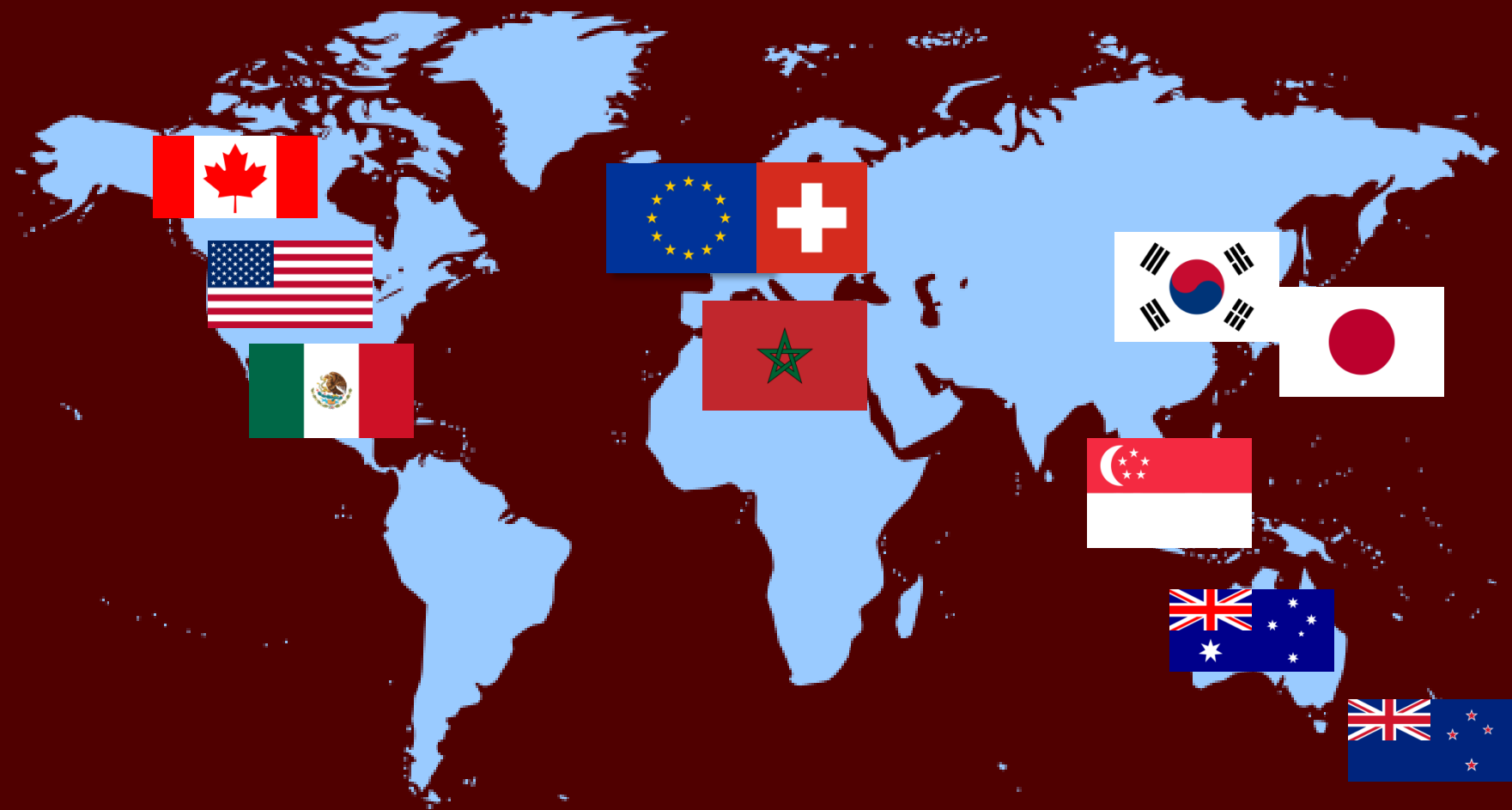
US FREE TRADE AGREEMENTS WITH LABOR PROVISIONS



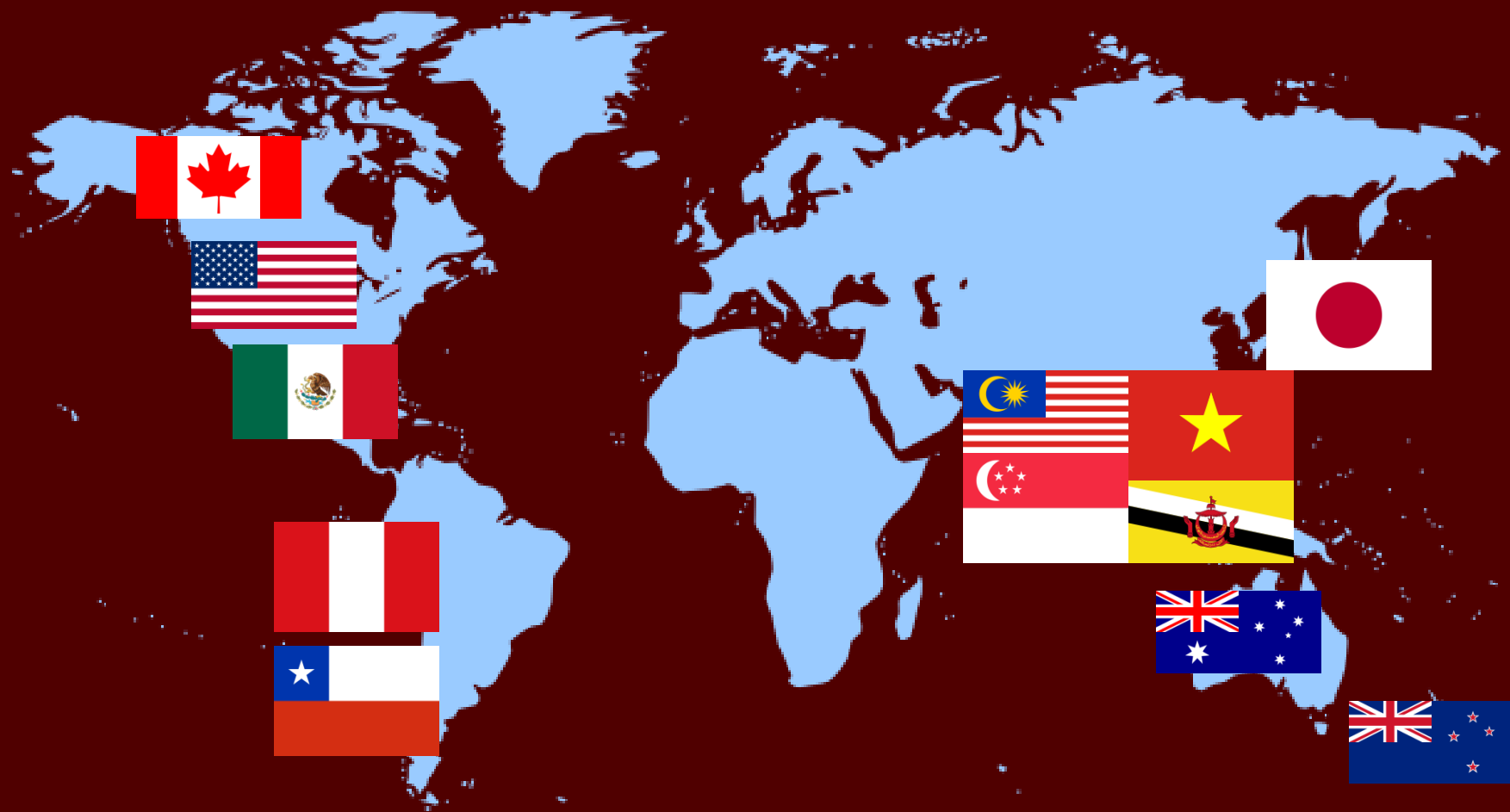


ACTA





ACTA



TPP





Regional
Comprehensive
Economic
Partnership



**IP
Standards**

USMCA

TPP

CPTPP

RCEP

TRIPS

NAFTA

Development Concerns

XXL?





purification of water
generation of power
improvement of public health
reduction of child mortality
provision of education
promotion of public security
building of basic infrastructure
reduction of violent crimes
relief of poverty
elimination of hunger
promotion of gender equality
protection of the environment
response to terrorism, illegal arms
sales, human and drug trafficking,
illegal immigration, and corruption



6 Realignment Strategies



(1) Enhance TRIPS and TRIPS-plus Flexibilities







Compulsory Licenses

A map of the African continent is shown, divided into two color-coded regions. The northern and northeastern countries are shaded in light purple, while the southern and western countries are shaded in green. The text "Compulsory Licenses" is written in bold red font across the center of the map.



- Doha Declaration (Paragraph 6 Solution)
- August 30 Decision
- Article 31*bis*



Working Requirement

A person is shown from the side, sitting at a desk and using a computer. The scene is dimly lit, with a grid pattern overlaid on the image, suggesting a technical or digital environment. The person's hand is visible near the keyboard.

TECHNOLOGY TRANSFER

(2) Advance Pro-Development Proposals



Regional
Comprehensive
Economic
Partnership





Disclosure Requirement



NAGOYA PROTOCOL ON GENETIC RESOURCES

Organization (WIPO)
Morocco

JUNE 17 TO 28, 2013
MARRAKESH, KINGDOM OF MOROCCO

معامي البصر
معية للملكية الفكرية (الويبو)
المملكة المغربية

28 يونيو 2013
مملكة المغربية



المملكة المغربية
وزارة الاقتصاد

الجمهورية الجزائرية
الدمقراطية والاشتراكية

Diplomatic Conference for Visually Impaired Persons

organized by the World Intellectual Property Organization (WIPO)
and hosted by the Kingdom of Morocco

JUNE 17 TO 28,
MARRAKESH, KINGDOM OF MOROCCO



Regional
Comprehensive
Economic
Partnership

(3) Facilitate Mutual
Supportiveness with Other
International Agreements



E

WIPO/GRTKF/IC/40/6
ORIGINAL: ENGLISH
DATE: APRIL 9, 2019

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Fortieth Session
Geneva, June 17 to 21, 2019

**CONSOLIDATED DOCUMENT RELATING TO INTELLECTUAL PROPERTY AND
GENETIC RESOURCES**

Document Prepared by the Secretariat

Preamble

[The disclosure of the source would increase mutual trust among the various stakeholders involved in access and benefit sharing. All of these stakeholders may be providers and/or users of genetic resources and [traditional knowledge associated with genetic resources]. Accordingly, disclosing the source would build mutual trust in the North-South-relationship. Moreover, it would strengthen the mutual supportiveness between the access and benefit sharing system and the [intellectual property] [patent] system.]

...

[Reaffirm, in accordance with the Convention on Biological Diversity, the sovereign rights of States over their [natural] [biological] resources, and that the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.]

Preamble

[The disclosure of the source would increase mutual trust among the various stakeholders involved in access and benefit sharing. All of these stakeholders may be providers and/or users of genetic resources and [traditional knowledge associated with genetic resources]. Accordingly, disclosing the source would build mutual trust in the North-South-relationship. Moreover, it would strengthen the **mutual supportiveness** between the access and benefit sharing system and the [intellectual property] [patent] system.]

...

[Reaffirm, **in accordance with the Convention on Biological Diversity**, the sovereign rights of States over their [natural] [biological] resources, and that the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.]

[ARTICLE 10]

RELATIONSHIP WITH INTERNATIONAL AGREEMENTS

10.1 This instrument [shall]/[should] establish a mutually supportive relationship [between [intellectual property] [patent] rights [directly based on] [involving] [the utilization of] genetic resources and [traditional knowledge associated with genetic resources] and] [with] relevant [existing] international agreements and treaties.

10.2 [This instrument [shall]/[should] complement and is not intended to modify other agreements on related subject matter, and [shall]/[should] support in particular, [the Universal Declaration on Human Rights, and] Article 31 of the UN Declaration on the Rights of Indigenous Peoples.]

10.3 [No provision in this instrument shall be interpreted as harming, or being to the detriment of the rights of indigenous people enshrined in the United Nations declaration on the rights of indigenous people. In the case of a conflict of laws, the rights of indigenous people enshrined in such declaration shall prevail and any interpretation shall be guided by the provisions of such declaration.]

THE UNIVERSAL DECLARATION
OF **H**uman **R**ights



ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY AT
ITS 189TH MEETING, HELD IN PARIS ON 10 DECEMBER, 1948



Declaration on the Right to Development

Collective Responsibility



‘All human beings have a responsibility for development, individually and collectively.’ (art 2(2))

(4) Ensure a Transparent Process





TPP Article 18.9: Transparency

1. Further to Article 26.2 (Publication) and Article 18.73.1 (Enforcement Practices with Respect to Intellectual Property Rights), each Party shall endeavour to make available on the Internet its laws, regulations, procedures and administrative rulings of general application concerning the protection and enforcement of intellectual property rights.
2. Each Party shall, subject to its law, endeavour to make available on the Internet information that it makes public concerning applications for trademarks, geographical indications, designs, patents and plant variety rights.
3. Each Party shall, subject to its law, make available on the Internet information that it makes public concerning registered or granted trademarks, geographical indications, designs, patents and plant variety rights, sufficient to enable the public to become acquainted with those registered or granted rights.

(5) Introduce Complementary Measures



- offer differentiated fee structures for initial examination and renewal of environmentally sound technologies (ESTs);
- extend the patent term for ESTs;
- develop alternative models of innovation;
- make greater use of buyouts, advance market commitments, patent pools, collective licensing and new models of intellectual property management;
- provide public mapping of ESTs in the public domain;
- facilitate deeper coordination among intellectual property offices and related authorities; and
- undertake more skilful deployment of public-private partnerships.



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Development Agenda

(6) Undertake Selective Adaptation



CHINDIA

**How China and India Are
Revolutionizing Global Business**

Edited by Pete Engardio 



TATA MCGRAW-HILL
EDITION

For sale in
India, Pakistan,
Bangladesh,
Sri Lanka and Bhutan
only

Countries	Resident Patent App.	Nonres. Patent App.	Resident Patent Grants	Nonres. Patent Grants	Resident TM App.	Resident Industrial Design App.	Royalty / Licensing Payments (US\$M)	Royalty / Licensing Receipts (US\$M)
Argentina	1,107	3,610	N/A	N/A	53,635	1,441	1,540	118
Brazil	2,705	19,981	314	2,937	102,449	3,863	2,850	397
China	293,066	98,111	79,767	55,343	973,462	409,124	13,039	830
India	7,262	27,025	1,725	4,443	134,403	4,267	2,437	128
Indonesia	N/A	N/A	N/A	N/A	N/A	3,601	1,616	59
Malaysia	1,233	5,230	204	1,973	13,099	699	1,133*	265*
Philippines	166	3,223	8	346	8,855	435	445	4
Russia	28,722	13,778	21,627	8,695	32,735	1,981	5,066	625
South Africa	821	5,562	822	4,509	18,040	1,017	1,941	59
Thailand	1,214	723	306	466	24,781	3,276	3,084	153
USA	241,977	248,249	107,792	111,822	236,826	16,706	33,450	105,583

Indicators on IP Developments in 2010



To Conclude



Four Generalizations about Intellectual Property and Global Development



Holistic and multi-dimensional



Context-sensitive



Dynamic and Evolutionary



Inclusive and Participatory

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