



STATEMENT OF THE REPUBLIC OF SOUTH AFRICA

WIPO HIGH-LEVEL MINISTERIAL SEGMENT

22 SEPTEMBER 2009

**DELIVERED BY H.E. DEPUTY MINISTER B.M. NTULI
MINISTRY OF TRADE AND INDUSTRY**

Thank you Mr. President,

On behalf of South Africa, I wish to thank you for the opportunity to speak at the first Ministerial High Level Segment of the World Intellectual Property Organisation's (WIPO) General Assemblies.

Mr President,

Allow me to share my thoughts with the other Ministers responsible for Intellectual Property (IP) on how WIPO should approach issues related to its objectives and functions, especially within the context of the developing economy.

Development Agenda

In light of the global focus on development, WIPO needs to be guided by development related commitments and resolutions, and contribute to the Millennium Development Goals (MDGs). As a standard setter on IP, WIPO has a significant role in ensuring that IP rules support development objectives. This will bring about value in the participation of developing countries and membership to WIPO.

Harmonised approach on IP matters within UN agencies

It is important for UN agencies dealing with development issues to operate in a harmonised manner in the promotion of IP. IP emanating from traditional knowledge should be disclosed and benefit sharing agreements be concluded. This will advance protection of IP rights that are pertinent and traditional to most developing countries. Notwithstanding the conclusion for the development agenda in WIPO, we should not be afraid to revisit the mandate to properly align it with broader objectives of the UN.

The harmonised manner will also address concerns that arise from contradictory IP policies, e.g. generics being confused with sub-standard medicines. Generics offer an opportunity to introduce competition in the market and when the impression is created that such generics are sub-standard or counterfeit medicine, it undermines the benefit that could be derived. Poor countries

continue to pay more than they can afford for medicine, and this impacts significantly on the ability of most governments to deliver quality public health to citizens. This also undermines the right to proper healthcare which we strive to protect.

It is also a concern to see developing countries renouncing their right to adopt bare minimum and exceptions provided for in the Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS). WIPO should play a meaningful role in advising these Member States about the implications and dangers of renouncing such rights.

Aligning IP policies to address national needs such as industrial, competition and trade.

International treaties must be a reflection of national policies of Member States. This requires a balancing of Member States' interests on a fair and equitable basis. A one sided approach will certainly undermine the value and benefit that countries expect from participation in international fora of the nature of WIPO.

Developing countries should be encouraged to incorporate all basic IP issues in their policies and legislation, and where possible, influence the world agenda on how IP should relate to other national policies, especially in developing countries.

Mr President,

Let me turn to agenda issues that are important to us:

The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

I must say that it is unfortunate that this matter has been on the agenda for so long without any breakthrough. We are convinced that sufficient information has been collected, and therefore we see no reason why this matter is incapable of being moved to the next level.

While Member States are debating these issues, traditional knowledge continues to be misappropriated at an alarming rate. There is a sentiment that this matter is not taken seriously by WIPO. The lack of a binding instrument affects developing countries more. We call upon the General Assembly to pronounce accordingly pursuant to the request by the African Group and Like-Minded Developing Countries. If this is done, it will give countries like South Africa an opportunity to be competitive on this aspect thus showcasing its strength and furthering development of IP.

Advisory Committee on Enforcement (ACE)

We should guard against focusing on enforcement issues which may not be compatible with benefit that flow from the IP system. The ACE process should be properly managed, that is, it should not be implemented in a manner detrimental to developing countries or that undermines their ability to advance issues that are more pertinent to their development.