

Statement of Consumers International (CI) and the Trans-Atlantic Consumer Dialogue (TACD) at the Second Inter-sessional Intergovernmental Meeting on a Development Agenda for WIPO, June 20-22, 2005, Geneva, Switzerland

Thank you Mr. Chairman.

Consumers International (CI) and the Trans-Atlantic Consumer Dialogue (TACD) support the approach proposed by the Friends of Development, which would consider fundamental changes in WIPO as an institution. Consumers International and TACD were both signatories to the Geneva Declaration on the Future of WIPO, which called upon WIPO member countries to consider the very changes that are included in the FoD proposal.

We also call your attention to the recent South Summit Declaration from Doha, which in paragraph 25, notes:

"Restrictive business practices and monopoly rights exercised by global corporations and other entities often impede innovation, flow of information and technology, and that a major component of good governance at the international level should be good corporate governance and corporate social responsibility, which should address issues such as anti-competitive practices of larger market players including transnational corporations; a fair balance between holders of intellectual property rights and public policy and societal goals; the need for access to knowledge, transfer of technology and FDI."

We note that there is considerable frustration over the conflict within the WIPO SCP and SCCR over efforts to promote new treaties that would expand intellectual property protections, including in some cases, areas where nations have yet to act, such as the proposed treaty provisions for webcasting organizations.

With regard to patents, we note that the US and Europe are both debating fundamental questions about the future of the patent system. The BSA in the US is advocating radical changes in US law, including the near elimination of injunctive relief for software patents which combined with other provisions, has been described as an effective compulsory licensing of most software patents. It is not the moment to harmonize the patent system. But there is much work to be done within the SCP and the SCCR, which deal with the problems of making the existing system work better, including the problems of abuses of rights that harm consumer interests.

Sustainable development cannot be based upon practices that are harmful to consumers.

We are pleased that the FoD proposal has called upon WIPO to elaborate the elements of a treaty on access to knowledge. This can be a constructive confidence building initiative that demonstrates that WIPO is focused on the public's welfare, and not the mindless expansion of intellectual property rights at the expense of innovation, creativity and consumer protection and human rights.