

CI/TACD Statement to the 3rd WIPO IIM

Consumers International (CI) represents leading consumers' organizations in 115 countries. The TransAtlantic Consumer Dialogue network unites US and EU consumer organizations.

We are welcoming WIPO's openness to allow interventions from NGO's. We suggest that WIPO urges interveners who speak in the public interest to be transparent as concerns the interest they represent.

CI, along with the TransAtlantic Consumer Dialogue network, were among the signatories to the October 2004 Geneva Declaration on the Future of WIPO.

We are encouraged and impressed by the efforts of the group of the Friends of Development (FoD) to change WIPO so that it focuses on the best policies to promote creative activity, innovation and development, rather than following a analysis-free agenda of promoting the highest levels of intellectual property rights.

Some of the most developed nations here have been less than supportive of this initiative, fearing perhaps that it would undermine the global framework to support creative activity, or that it would not be in the interests of those countries that export knowledge goods. These concerns are unfounded. We urge the most developed countries to examine the concrete proposals put forth by the Friends of Development with an open mind.

We note that the European Union and the United States are engaged in serious and important debates over intellectual property policies.

- The European Union recently required its members to implement mandatory compulsory licensing of patents on genetically modified seeds, debates the role of software patents, seeks to reach the appropriate balance between consumers and right-owners in copyright policy, and searches for effective mechanisms to control anticompetitive practices in the software sector.
- The United States is considering proposals by the Business Software Alliance and others to greatly reduce the circumstances where patent owners can obtain injunctions, and to reduce royalty payments to patent owners when patents claims only represent a small aspect of a larger complex software application.
- The United States government and several members of the European Union are exploring mechanisms to expand the use of new open access publishing models for scholarly research, and to support major public access databases, such as the Human Genome Project. A number of European countries are advocating greater use of free software, and proposing to use government procurement to promote open standards for critical software interfaces.

- The United States, members of the European Union, and other developed countries are struggling to develop limitations and exceptions to copyright that will help educators, distance education programs, and the blind and disabled.

Why then, is there so much resistance to addressing similar issues within WIPO? Why is there such a North/South divide on the core elements put forth in the FoD development agenda proposals?

There is much anxiety in certain developed countries over their future competitiveness. Some trade negotiators apparently believe that policies that are anti-consumer, anti-competitive, and anti-development are in their national interest, because they export knowledge goods, and face declining market shares for manufactured goods.

They propose standards for intellectual property protection that are protectionist. But this is short-sighted. What is important is to create a global framework that supports both innovation and access to knowledge goods, and development everywhere.

New business models, such as open access publishing, free software, or the open standards that were essential for the Internet, will play an important role in the new knowledge economy. We have to learn more about these new collaborative efforts to support open knowledge goods, and to look ahead to see how such efforts fit into our economy systems.

The FoD have created an opportunity to re-invent WIPO as a UN body that will promote innovation and development everywhere, North and South. The fears that these changes will harm the wealthy countries are based upon a lack of information and understanding of the new economy. The Internet created innovation, jobs and wealth everywhere. The Human Genome Project and open access publishing models are raising scientific progress everywhere. The free software movement has provided a much-needed mechanism to control anticompetitive practices in the software sector.

Now is the time to deepen the discussion of which approaches are best at achieving innovation and development. The draft decision put forward by Brazil and other members of the FoD is a constructive proposal to ensure that the developing agenda will be seriously addressed within WIPO. We are concerned about the proposal put forward by the European Community. While we welcome point i of that proposal, all further points do not ensure appropriate consideration of the developing agenda.

We therefore urge in particular the members of the European Community to reconsider their proposal and urge all distinguished members of WIPO to support the draft decision suggest by Brazil.

Thank you.