

DEVELOPMENT:

South Gains Ground in Intellectual Property Debate

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GENEVA, Oct 5 (IPS) - Countries of the developing South successfully lobbied the World Intellectual Property Organisation (WIPO) to incorporate development goals and consumer rights, to counterbalance the interests of powerful nations and corporations, in a resolution adopted Tuesday.

The decision by the WIPO general assembly "is a breakthrough move by the U.N. body, which has been often accused of caring more for the rights of intellectual property owners than of users, especially those in developing countries," said a statement by Consumers International, the worldwide federation of consumer organisations.

The proposal that was approved with a few modifications was introduced by Brazil and Argentina with the backing of Bolivia, Cuba, the Dominican Republic, Ecuador, Iran, Kenya, Sierra Leone, South Africa, Tanzania and Venezuela.

The resolution by the general assembly not only represents a victory for the developing South, but also "a change in culture and direction for WIPO...(which) will never be the same," said U.S. activist James Love with the Consumer Project on Technology.

WIPO, which did not become part of the U.N. system until 1974, administers the international treaties on intellectual property and copyrights. It is unique in that it is made up of representatives of the private sector as well as the member states.

"For generations WIPO has responded primarily to the narrow concerns of powerful publishers, pharmaceutical manufacturers, plant breeders and other commercial interests," more than 500 prominent scientists and intellectuals from around the world stated two weeks ago in a document titled "The Geneva Declaration on the Future of the World Intellectual Property Organisation".

Consumers International observed that the resolution that was approved by the WIPO general assembly contains many of the ideas expressed by the Geneva Declaration.

The member states cannot ignore certain complaints that have been made public, said Argentine representative Alfredo Chiaradía, who called for WIPO to become a more receptive, transparent and inclusive forum for all of its members and all sectors of civil society.

The final resolution adopted by WIPO includes the developing nations' proposal to establish a "development agenda".

The organisation also decided to set up a working group to examine how the new guidelines can be applied, which will hold meetings open to observers from inter-governmental and non-governmental organisations, and is to present a report on Jul. 30, 2005, to be submitted to the next general assembly, scheduled for September 2005.

WIPO also committed itself to organising a joint international seminar on intellectual property and development with other multilateral organisations like the U.N. Trade and Development Conference (UNCTAD), the World Health Organisation (WHO) and the U.N. Industrial Development Organisation (UNIDO).

In the final version approved by the general assembly, the World Trade Organisation (WTO) was also included in the list of international bodies that will help organise the seminar, although it did not figure in the original proposal set forth by Argentina and Brazil.

Industrialised countries were initially hesitant in their reaction to the proposal, arguing that WIPO already deals with development issues through cooperation programmes with specific countries or regions, to which it has earmarked around 500 million dollars for the 2004-2005 period, 85 percent of which is covered by revenues from patent registration and copyright systems.

But Uruguayan representative Guillermo Valles underlined that the development focus advocated by the countries that backed the initiative is not limited to technical assistance or cooperation.

"A WIPO development agenda would obviously need to take into account any possible negative impact on the users of intellectual property, on consumers at large, or on public policy in general, not just the promotion of the interest of intellectual property owners," said a delegate from India.

The group of developing nations argued that it is essential to reform the existing intellectual property treaties to ensure that they favour real transfer of technology to developing countries, and especially to those defined by the U.N. as "least developed countries".

Anna Fielder, Director of the Consumers International Office for Developed and Transitional Economies, said "The WIPO decision to move on this resolution is good for creators and consumers alike. We particularly welcome the willingness to look at increasing access to knowledge and technology in developing countries."

The resolution also proposes an evaluation of the possibility of suspending negotiations on new treaties that would strengthen protection of intellectual property and place a burden on the fragile bureaucracies of developing countries.

James Love said that "For years, WIPO has pushed to expand the scope and level of intellectual property rights, and told developing countries that this would help their development."

But "Today WIPO supported an entirely different approach, which emphasised free and open source software, public domain goods like the human genome, patent exceptions for access to medicine, the control of anti-competitive practices, and other measures that have been ignored by WIPO for years," he added. (END/2004)