



DRAFT OPENING STATEMENT

55th SERIES OF THE GENERAL ASSEMBLIES OF WIPO

DELIVERED BY H.E MR ABDUL MINTY

**AMBASSADOR AND PERMANENT REPRESENTATIVE OF THE
PERMANENT MISSION OF SOUTH AFRICA TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS**

Director-General,
Excellences,
Distinguished delegates
Ladies and Gentlemen,

Mr Chairman

South Africa would like to congratulate you on your election as Chair of the WIPO General Assemblies and wishes to extend its willingness to work under your leadership to ensure we achieve meaningful progress. At the outset, South Africa would like to align itself with the statement made by Nigeria on behalf of the Africa Group.

Mr Chairman

The importance of a balanced Intellectual Property global framework cannot be over-emphasized as, today, the world acknowledges that innovation does not automatically follow adoption and enforcement of stronger IP protection. In 2007, when the Development Agenda was adopted, it represented a paradigm shift in rejecting the on-size-fits-all approach that was the order of the day. It was forward thinking and sought to address the imbalances in the IP system, and its subsequent impact on developing countries. However adoption means little if not followed by concrete and effective implementation of the recommendations, addressing the complexity of intellectual property and the linkages among its multiple dimensions.

As a specialized Agency of the United Nations, WIPO is guided by the broad development goals of the UN and has a responsibility to always take into account the differences in the level of economic, social and technological development of member states when formulating treaties or providing policy advice to avoid the adverse implications of IP. Coupled with the recent adoption of the Sustainable Development Goals, WIPO has the added responsibility of ensuring that WIPO's work is consistent with the broader global SDG agenda.

Mr Chairman

The South African delegation fully subscribes to the promotion of pro-development norm-setting to avoid placing additional social and economic burdens on developing countries and it is within this context, South Africa approaches discussions in the various norm-setting committees.

In this regard, the **Committee on Development and Intellectual Property (CDIP)** should be commended for finalising the Terms of Reference for an independent review of the implementation of the Development Agenda Recommendations. We are hopeful that the review will reveal the real impact of WIPO projects seeking to implement the Development Agenda recommendations which should assist the organisation render them more effective in the future. We similarly commend the committee for finally

agreeing on the way forward with regard the IP and Development Conference as well as on the Committee's work concerning the Project on Technology Transfer. We will like to see recommendations coming out of this project being implemented as envisaged in article ten (10) of the Agreement establishing WIPO as an agency of the UN.

We are of the firm view that the Development Agenda address WIPO's work in all its dimensions, its relevance not limited to any specific body or committee in WIPO. All bodies and committees are relevant. It is of great concern that agreement has not yet been reached on the full implementation of the Coordination Mechanism, especially with regards to the Programme and Budget Committee (PBC) and the Committee on WIPO Standards (CWS). We further note with concern that an agreement remains elusive with regard to the implementation of the recommendations of an external review of WIPO technical assistance in the area of cooperation for development as well as on the implementation of the third pillar of the CDIP mandate which is to discuss the interface between IP and Development. The South African delegation calls for a speedy resolution to enable focused attention on substantive work.

With regard to the **Standing Committee on Trademarks and Geographical Indications (SCT)**, South Africa supports efforts of working towards concluding a Diplomatic Conference to adopt the Design Law Treaty which includes an article on Technical Assistance to adequately capacitate states in the implementation of the treaty. The South African delegation also supports the Africa Group's proposal on Disclosure as it our view disclosure requirements are quite common in the IP system with the purpose of providing the requisite balance.

With regard to the **Programme and Budget Committee (PBC)**, South Africa would like to congratulate WIPO on receiving an unqualified audit and encourage the organisation to implement the recommendations made by the External Auditor. We would also like to take this opportunity to note that if WIPO is to perform at an optimal level, it needs to promote credibility, integrity, equity and transparency in all that it seeks to do. In this regard, we encourage WIPO to pay special heed to the Joint Inspection Unit recommendation that speaks to governance reform. We encourage Member States to address this issue in good faith and, in doing so, strive to make the organisation more dynamic, effective and efficient. We encourage Member States to show the same constructive spirit demonstrated during the discussions on the revised definition of development expenditure. It is also the hope of this delegation that this spirit would continue and the committee can find a fair resolution to Programme 20, the long-standing issue on External Offices whereby Africa is the only continent that is not represented in the external offices network. Fairness, equity and integrity are principles that should guide the process going forward as we seek to finalize and adopt the Guiding Principles.

With regard to the **IGC**, South Africa is of the belief that strong political will is necessary to make progress on the Intergovernmental Committee. We would

like to reaffirm our commitment to the renewal of the mandate, pursuing text-based discussions on all three texts, Genetic Resources (GR), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) with a view to establishing a legally binding instrument. It is regrettable that we could not reach consensus on this important issue during the last General Assembly, however we are hopeful that the Africa Group proposal may provide space and opportunity for substantive reflection and consensus-building in order to reach a common understanding on the need for effective protection of GR, TK and TCEs.

With regard to the **Standing Committee on Copyright and Related Rights (SCCR)**, the South Africa delegation is committed to working constructively on all three issues in the committee; Broadcasting, Exceptions and Limitations for Libraries and Archives and Exceptions and Limitations for Educational and Research Institutions. We are of the view that the committee has made significant progress on the scope and object of protection and that we have drawn closer to a shared common understanding and would like to see our work concluded in a treaty as per the 2007 General Assembly mandate. Likewise, we would equally want to see progress on Exceptions and Limitations, line with the 2012 mandate, putting to rest the controversy surrounding future work which has been impeding the work of the committee. This is particularly important in the current digital environment where the economic right of the provider must be balanced with society's needs.

With regard to the **Standing Committee of Patents**, we are pleased to note that the committee was able to reach agreement on a work programme. While it is not ambitious enough, it is a step in the right direction. We would like to encourage Member States to set a higher level of ambition in line with the recommendations of the Development Agenda as this committee addresses critical issues relating to Patents and Health.

Mr Chairman

In conclusion, we acknowledge the important role WIPO has to play in creating a fair and equitable global IP system and assure you that the South African delegation remains fully committed to engage on all issues that would build consensus and is reflective of the needs and interests of all WIPO Member States.

Thank you.