

WIPO General Assembly 2019: Opening statement of Knowledge Ecology International

Thank you Chair.

KEI opposes any further work at the SCCR on a broadcast treaty, given the confusion over the objectives of the treaty, and in particular, proposals to provide effective perpetual rights to broadcasters for content that they do not create, own or license, including works where there is no underlying copyright or where the copyright holders have not been paid and/or license their works for use by the public at no cost, such as under creative commons licenses. KEI also notes that the SCCR work on broadcasting is deeply uninformed as to the exploding role of new Internet streaming technologies that feature encryption, require payments from users, and for which the most important are controlled by very large multinational technology companies, such as Google's Youtube TV platform, Netflix, Spotify, and Amazon Prime rather than locally owned broadcast entities. Why would you want to give these companies intellectual property rights in someone else's creative works? Because, that will be the predictable outcome of any new intellectual property right for broadcasting that includes transmissions delivered at the time and choosing of the user.

As part of WIPO's ongoing work on patents and health, KEI proposes that the Standing Committee on the Law of Patents (SCP) discuss the role of patents in the development of and access to new cell and gene therapies, such as CAR T treatments for cancer, or gene therapies such as Luxturna or Zolgensma. Among the topics to be considered are the extent to which patent exceptions for the treatment of humans apply, as well as the high costs and anti-competitive nature of licensing the emerging thickets of patents for these treatments.