

Third World Network Statement on Revision of 1979 WIPO Model Law, 29 July 2015
WIPO Standing Committee on the Law of Treaties (22nd Session)

Thank you Madam Chair

We take this opportunity to congratulate GRULAC for tabling this proposal to update the WIPO Model Law for Developing Countries on Inventions.

The WIPO Model Law was framed in 1979 and it is not suitable to address the development concerns in the era of the TRIPS Agreement. Further, the Model does not use the public interest flexibilities available in the TRIPS Agreement.

For instance, the model law fails to use flexibilities available to determine the scope of flexibilities. Similarly, the provisions on granting compulsory/non-voluntary licence are very limited. In short the WIPO Model is not suitable to address the present challenges faced by Member States especially developing countries.

Further the model law also goes against the spirit of the WIPO Development Agenda.

At the same time we also understand that the Secretariat is using another version of the model law, which is not available in the public domain. This model law version also lacks provisions to make use of TRIPS flexibilities to the optimum level. This confidential version of the model law also goes against the spirit of the WIPO Development Agenda.

We appeal to Member States to ensure transparency in the legislative assistance provide by WIPO. The best way to do that is to revise the WIPO Model Law by adopting the decision proposed by GRULAC.

Thank you.