



International Chamber of Commerce

*The world business organization*

## Policy statement

### **Doha Round negotiations: the inclusion of patent disclosure requirements proposals**

*Prepared by the Commission on Intellectual Property*

As a strong supporter of the rules-based multilateral trading system, the International Chamber of Commerce (ICC) – which represents thousands of enterprises of all sizes and sectors in 130 countries – believes it is of overriding importance for the Doha Round of multilateral trade negotiations to be brought to a successful conclusion over the next few months.

To achieve this, WTO members must focus their efforts on the immediate goal, identified by Director General Pascal Lamy, of establishing modalities in Agriculture and NAMA over the coming weeks.

ICC strongly urges WTO members not to include the issue of TRIPS patent disclosure requirements into the discussion on modalities and the negotiations on the Single Undertaking. Introducing this issue would, in ICC's view, substantially jeopardize the negotiations, and the overall success of the Doha Round for the following reasons.

The issue of disclosure requirements is not ripe for text-based negotiations in the time-frame envisioned for the conclusion of the Doha Round. No consensus has yet developed as to whether special disclosure requirements are on balance a desirable objective, or will improve the existing position in any way. In addition, key terms and concepts – such as the nature of the obligation, the scope of inventions that should be included and the nature of the appropriate remedy – have not yet been defined, and proposals differ widely.

Other multilateral fora are working on solutions to attain the same objectives which proponents of including disclosure requirements in TRIPS are trying to achieve. The Convention on Biological Diversity (CBD) has committed itself to concluding an International Regime on Access and Benefit Sharing in relation to genetic resources by 2010. One of its aims is to ensure equitable benefit sharing from the use of genetic resources and associated traditional knowledge. The World Intellectual Property Organization (WIPO) has for several years done work on both policy and practical issues in this area. Practical mechanisms being developed by WIPO include traditional knowledge digital libraries and databases that will help ensure that patent offices have the necessary information concerning existing traditional knowledge when examining patent applications.

ICC urges WTO members to support these processes, which will allow more time for parties to arrive at a better understanding of the issues and to find more considered solutions to address the concerns raised by the proponents of disclosure requirements.

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ICC therefore strongly urges WTO members not to jeopardize the successful conclusion of the Doha Round by including the issue of patent disclosure requirements at this late stage in the Doha negotiations. WTO members would arrive at more considered solutions to the concerns of its proponents by supporting on-going processes in the CBD and WIPO.

### **Document n° 450/1038**

11 July 2008