



**SOUTH AFRICAN PERMANENT MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS**

**57th SERIES OF MEETINGS OF THE
ASSEMBLIES OF THE MEMBER STATES OF WIPO**

2 - 11 OCTOBER 2017

AGENDA ITEM 14

REPORT ON THE STANDING COMMITTEE ON LAW OF PATENTS (SCP)

Chairperson

We align ourselves with the statement of Senegal on behalf of the Africa Group.

We welcome the agreed future work program of this Committee that provides a balanced approach and caters to the interests of both developed and developing countries. In this regard we would like to thank the Chair and Secretariat for their tireless work in ensuring that the committee has a future work program that is a compromised Consensus of all Member States.

The work of the SCP is of paramount importance as the only multilateral platform on which to robustly debate and engage on enhancing patent laws to the benefit of society.

It is important for preserving the rights of innovators on the one hand, by providing incentives for their creativity and ingenuity, but equally important, for providing access to knowledge, technology transfer and safe affordable medicines for the benefit of all, in the national public interest.

Chairperson

We are particularly pleased that the SCP has agreed to the compilation by the secretariat, of a reference document on exceptions and limitations of patent rights as the implementation thereof remains one of the key challenges for developing and least developing countries. It has been highlighted on many platforms and in many studies that developing and least developing countries have not made full use of the flexibilities afforded to them by TRIPS Agreement. We look forward to receiving the report of the Secretariat to inform policy on the challenges experienced by Member States in the implementation of exceptions and limitations, and how these challenges can be addressed.

In this regard, we call on WIPO to provide the necessary technical assistance in the implementation of exceptions and limitations in order to address the socio-economic requirements of our populations.

Chairperson

The intersection of patents and public health remains a key consideration for South Africa, in particular the extent to which patents remain a barrier to access to essential medicines, leading to many poor people being denied lifesaving medicines. Indeed our experience, particularly since the case between the Pharmaceutical Manufacturers Association versus the President of South Africa (the late President Nelson Mandela) in 1998, has made it imperative that we keep a closer look at this intersection. This committee has the responsibility to ensure that patent laws do not unduly restrict access to medicines. We therefore expect a more ambitious work programme on this topic in the Committee future.

I thank you

CHECK AGAINST DELIVERY