

[English translation by WIPO]

PERMANENT MISSION OF EL SALVADOR
TO THE WORLD TRADE ORGANIZATION
GENEVA, SWITZERLAND

Geneva, March 26, 2012

REFERENCE GNV/MINEC/C0M/RRM/329/12

To: Mr. **PHILIPPE BAECHTOLD**
Director
Patents and Innovation Division
World Intellectual Property Organization (WIPO)

Dear Mr. Baechtold,

I am contacting you with reference to the work of the WIPO Standing Committee on the Law of Patents (SCP), specifically the responses to the "*Questionnaire on exceptions and limitations to patent rights*", prepared by the Secretariat at the request of the Members.

In this regard, I am pleased to submit herewith the responses of El Salvador to the above questionnaire.

In addition to those responses, the Government of El Salvador wishes the following considerations of a cross-cutting nature to be taken into account when publishing our responses to the above questionnaire, so that they may complement the factual responses provided by our national authorities to the attached questionnaire:

1. As a member of the World Trade Organization, and in particular as a developing country, El Salvador is a faithful promoter of the objectives and principles established in Articles 7 and 8 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and supports the structuring of an intellectual property system guaranteeing a balance between owners' rights and obligations, which as a whole help to satisfy our country's needs in relation to social and economic development and knowledge.
2. In addition to the content of our secondary laws, the position of El Salvador regarding exceptions and limitations to intellectual property rights must be supplemented by the statements made by El Salvador at the multilateral level and, in that regard, we reiterate the content of the Declaration on the TRIPS Agreement and Public Health, adopted on November 14, 2011, in particular paragraph 4 which highlights the following:

65, Rue de Lausanne, 1202, Geneva, Switzerland

Tel.: +(41- 22) 732 70 36 – Fax: : +(41 - 22) 1 18 55

"We agree that the TRIPS Agreement does not and should not prevent members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO members' right to protect public health and, in particular, to promote access to medicines for all.

In this connection, we reaffirm the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose."

3. We reiterate that El Salvador is currently in a phase of analysis and consultations, for the purposes of determining, in the medium term, whether there is a need to make changes to our legislation that provide greater legal security as regards the room for flexibility which our nationals and those living in El Salvador have in relation to respect for our undertakings made at the international level.

I take this opportunity to reiterate to you the assurances of our highest consideration.

(signed and stamped)

Francisco A. Lima Mena

Ambassador

Permanent Representative