

October 4, 2016

2 minutes --

KEI General Statement - WIPO General Assembly - 2016

Thank you Chair for providing Knowledge Ecology International (KEI) the opportunity to speak today.

We are pleased that on September 30th, 2016 the Marrakesh Treaty came into force. Millions of persons who are blind or have other disabilities will benefit from this. This was the first WIPO treaty that was proposed and supported by consumer interests, to expand the rights of users of copyrighted works. It should not be the last.

Users of copyrighted works have seen a steady erosion of their rights, including such measures as the extension of the term of protection from 50 to 70 years after the death of an author, the proliferation of restrictive three-step tests in international agreements on copyright, that are designed to limit the space for exceptions to rights, the creation of overbroad legal protections for technical protection measures, and efforts to expand rights in a variety of areas.

KEI supports copyright, up to a point, but when terms and rights are excessive and exceptions are too narrow, the system no longer serves society. The Marrakesh treaty shows that it is possible to reshape the copyright regime so that it works better for society, and addresses the legitimate interests of both users and creators of knowledge goods.

Ancillary copyright

We are concerned that the European Union is proposing a so-called an ancillary copyright regime, that will reduce access to knowledge, and directly conflict with the two mandatory user rights in the Berne Convention. Article 10.1 of the Berne Convention mandates exceptions for quotations, and Article 2(8) says that protection “shall not apply to news of the day or to miscellaneous facts having the character of mere items of press information.” These two mandatory user rights were designed to protect the public’s access to knowledge, and also to protect the authors and others involved in the production of knowledge.

WIPO should have a work program on user rights in copyright, and that work program could start with initiatives to implement the existing user rights, including those found in the Berne Convention and the WIPO Marrakesh treaty.

On September 14th, 2016, the United Nations Secretary-General’s High-Level Panel on Access to Medicines released its Final Report. The most important recommendation from the UN experts is to delink the cost of R&D from the prices of drugs.

You cannot rely upon high drug prices to finance R&D without harming patients and creating unequal access. Policy coherence means making innovation and access happen at the same time.

The SCP should discuss all of the recommendations in the UN HLP report, including those relating to limitations and exceptions on patent rights, but also to those relating to the delinkage of R&D costs from drug prices.