



WIPO GENERAL ASSEMBLY 2017

AGENDA ITEM 16:

Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT)

Mr Chairman,

At the outset, my delegation aligns itself with the statement made by Senegal on behalf of the African Group and that of China on behalf of the BRICS countries.

My delegation would like to express once again our willingness to move towards convening of a Diplomatic Conference once the two remaining issues on disclosure and technical assistance have been finalised.

A lot had been said in support of the inclusion of an article 3 (10) on disclosure in the main text of the treaty during the last few years. This proposed provision is aimed at allowing countries that have provisions for protection of TK, TCE and GR in their national design laws to comply with the filing requirement in terms of such national legislation as well as international obligations when joining the Design Law Treaty. This is

particularly important since Article 3 of the Draft Treaty contains a closed list of requirements for design registrations. It will be extremely difficult for South Africa to sign on a treaty that does not contain this provision.

Mr Chairman, as we engage in this discussion, we should also be mindful that disclosure is the bedrock of the modern IP system and an integral contributor to the *quid pro quo* principle and ensure that legitimate legally enforceable rights are conferred without the risk of an application for revocation. Not only does it contribute to enhancing transparency and invariably the integrity of the IP system, but it also has the potential to play a key role in national, regional and indeed grassroot innovation ecosystems, particularly as the world transitions into a knowledge based economy.

Indeed Mr Chairman, ordinary people, men and women in South Africa, Africa and elsewhere in the world, engage in the innovative use of the abundance of genetic resources, traditional knowledge and traditional cultural expressions which are part of their heritage to make traditional designs. This has the ability to contribute significantly to sustainable livelihoods for millions of these people and therefore requires careful and appropriate protection to foster further socio-economic advancement.

Mr Chairman,

Once again, we believe the compelling arguments have been put forward for disclosure of GR, TK and TCE in the draft DLT and all we need now is the political will and understanding. We will continue to negotiate in good faith and expect the same from other delegations.

CHECK AGAINST DELIVERY

I thank you