

## **United States of America opening statement**

Thank you, Chair.

As we look ahead to the next week, we must be very mindful that the last two IGC meetings—IGC 49 and IGC 50—unfortunately ended with no tangible progress on advancing our discussions. This came at great expense of time and money for the WIPO Secretariat, Member States, and accredited observers. This delegation believes that we must be much more prudent in expending IGC resources.

The United States views IGC 51 as the time to improve and reset the IGC's dynamic and to incorporate the divergent views among Member States on the role of the IGC and its desired outcomes.

To that end, we look forward to discussions during this IGC session on the respective TK and TCE texts and how the IGC's work may continue with respect to any potential mandate moving forward.

The United States continues to insist that the TK and TCE texts remain as separate texts. TK and TCEs are distinct topics that implicate different IP equities and must be handled as such. There is no consensus at this time on consolidation or merging of the TK and TCE texts. We expressed our concerns on this issue during the last session of the IGC, and this session we are even more steadfast that we cannot support a proposal to combine these discrete texts.

Turning to the substance of the TK and TCE texts, it is critical that each reflect a flexible, nonbinding, measures-based approach that promotes safeguards for TK or TCEs while ensuring compatibility with the IP system and providing policy space for a variety of perspectives on implementation. Doing otherwise runs afoul of WIPO's clear mandate under the WIPO Convention.

Additionally, as we engage on the texts, we cannot support work that blocks or avoids the inclusion of textual proposals made by a Member State. It is critical that alternatives in each of the respective TK and TCE texts reflect the full range of views expressed by Member States and that the texts are not biased towards any particular outcome. The texts must be inclusive of the views shared by Member States in the discussion or else the phrase "Member State driven process" is meaningless.

It is also essential that committee sessions include real-world examples demonstrating how textual provisions operate in practice.

Additionally, we continue to advocate for texts that recognize the importance of seeking views of Indigenous Peoples where their interests are directly implicated.

Finally, subject to the concerns we have just expressed, we look forward to discussions around ways to fashion a mandate recommendation, if any, that refocuses the IGC within the context of WIPO's mission and that provides a way to discuss these topics in a manner that reflects true narrowing of the gaps in understanding between Member States.

As we undertake that effort, the importance of WIPO's longstanding consensus-based approach cannot be overstated.

Thank you, Chair.