

AFRICAN GROUP STATEMENT ON PATENTS AND TECHNOLOGY TRANSFER
32nd Session of the Standing Committee on the Law of Patents
Geneva, December 2020

Thank you Mr. Chair,

Zimbabwe makes this Statement on behalf of the African Group.

The African Group thanks the Secretariat for the presentation and preparation of document SCP/32/6 on Patent Law Provisions and Practices that Contributed to Effective Transfer of Technology. We thank Member States which participated in the survey and shared information on various domestic legislation enabling transfer of technology.

The African Group reaffirms and recalls that Development Agenda Recommendation 25 calls upon WIPO to explore IP-related policies and initiatives necessary to promote the transfer and dissemination of technology, to the benefit of developing countries and to take appropriate measures to enable developing countries to fully understand and benefit from different provisions.

The Group regrets that the SCP discussions have not progressed beyond preliminary studies on issues of technology transfer that are related to the patent system. Even then, these preliminary studies did not discuss how patents could be a barrier to the transfer of technology. These studies failed to address the issue of patent trolls and patent thickets which retard downstream innovation.

Mr Chair,

The COVID-19 pandemic has shown the acute need for technology transfer between developed and developing Countries. We in the SCP have derogated from our mandate and are watching from the sidelines as the World Trade Organisation discusses measures to deal with various IP related obstacles, including patents, to access to medicines and medical technologies through a proposed “Waiver from Certain Provisions of The Trips Agreement for the Prevention, Containment and Treatment of Covid-19”. This is a stinging indictment on all of us and calls upon Member States to exercise flexibility and reconsider positions which have prevented the SCP from having substantive discussions on patents and transfer of technology.

Mr. Chair

In light of the COVID-19 pandemic it would be wise for future SCP Sessions to consider the following: developing patent disclosure formats for patent specification in specific technological areas such as pharmaceuticals, plant biotechnology and other areas; collaborate with WHO to develop a patent database of medicines, vaccines, medical devices; develop a resource book aimed at enhancing the capacity to conduct freedom to operate analysis in developing countries; prepare a study on the royalty rates sought in licensing agreements in ICT, pharmaceutical and environmentally sound technologies; and prepare a compilation of anti-competitive provisions that may be found in licensing agreements for patented technologies.

Finally Mr. Chair,

The Group looks forward to the information sharing by Member States on patent law provisions and practices that contributed to effective transfer of technology, including sufficiency of disclosure.

I thank you.