

**Statement by Ambassador Dr. Dinesh Bhattarai, Permanent Representative of Nepal, delivered on behalf of the Least Developed Countries, at the forty ninth Assemblies of Member States of World Intellectual Property Organization (WIPO), on September 26, 2011.**

**Mr. Chairman,  
Hon'ble Ministers,  
Excellencies,  
Director General of the WIPO,  
Distinguished Delegates,**

I have the honour to make this statement on behalf of group of the least developed countries (LDCs).

I wish to congratulate you, Ambassador Ugljesa Zvekic, on your election to the chair of the WIPO General Assembly. We express confidence that with your vast experience, knowledge and diplomatic skills, our deliberations will reach to fruitful conclusions. I assure you the fullest cooperation of the LDCs group.

We would like to put on record our deep appreciations to Ambassador Alberto Dumont for the extraordinary leadership provided over the last two years.

The LDCs Group thanks the Director General Dr. Francis Gurry for his comprehensive report on activities undertaken over the past one year and the detailed overview of the developments in the IP domain. We take note of several programs and activities launched by the Organization for the protection of Intellectual Property and the development of the IP system.

I express deep appreciations to the Director General for his strong and unwavering commitment to promote and protect the LDCs' interests in the work

and functioning of WIPO. His efforts and initiatives to bring membership closer to the organization are commendable.

We express our profound appreciation to the Director General for his offer of WIPO deliverables to LDCs and WIPO's active and constructive approach and valuable contributions towards the Fourth United Nations Conference on the Least Developed Countries (UNLDC IV).

The status of IP in LDCs requires that we need to go beyond the simple project-based approach to address the structural weaknesses inherent in LDCs with a view to improving their poor IP infrastructures. Technical assistance and capacity building for LDCs are vital. The needs assessments should be coordinated effectively to ensure their full compliance with their pressing national needs and priorities.

Mr. Chairman,

The LDCs group attaches great importance to the 49th WIPO Assemblies. This is the Assemblies of member states after the Fourth United Nations Conference on the Least Developed Countries (UNLDC IV) in Istanbul that adopted the Programme of Action for the Least Developed Countries for the decade 2011-2020 in May this year. The Conference outcome document, IPoA, identifies a number of priority areas for action and precisely defines the actions to be taken by the LDCs themselves as well as development partners, multilateral organizations and other stakeholders. Our imminent challenge now is to ensure the effective and unfailing implementation of the Programme of Action to make its vision of augmenting the developmental level in LDCs and enabling half of 48 LDCs for graduation from the least developed country category by 2020.

There are a number of priority areas for action in which WIPO can contribute in consonance with its mandate. Productive capacity, agriculture, food security and rural development, human and social development, trade, technology, addressing multiple crises and other emerging challenges are the major priorities underpinning in IPoA in which work and functioning of WIPO not only find relevance but also remain crucial.

I would like to draw the kind attention of the august Assemblies to the paragraph 153 of the IPoA which invites the governing bodies of the United Nations funds and programmes and other multilateral organizations to contribute to the implementation of the Programme of Work and to integrate it into their respective work programme, as appropriate and in accordance with their mandates. We have proposed a brief resolution for the consideration of the Assemblies aimed at formalizing the integration of IPoA into the WIPO's programme and work. We thank the Director General for its inclusion in the agenda and appeal to the membership for its formal adoption.

Mr. Chairman,

This is an age of information and technology. It is necessary that we have a fair, equitable and efficient intellectual property regime in which there is increased participation from LDCs. This requires building human, institutional and physical infrastructures including in technological field to harness the innovative and creative potentials of the people in the LDCs.

The 2009 LDCs Ministerial Declaration made important recommendations for the benefit of LDCs, including the submission of an annual report on the implementation of the Declaration, the creation of the LDC Trust Fund; strengthening LDCs Division with sufficient human and financial resources, and the inclusion of separate section for LDCs in program and budget. Further

strengthening of LDCs Division remains important for the implementation of WIPO deliverables. We welcome the initiatives taken so far in the implementation of the Declaration and also urge to expedite the concrete actions to assist the LDCs overcome their economic, financial and administrative constraints for harnessing their potentials for economic development.

LDCs Group attaches importance to the work of the Committee on Development and Intellectual Property (CDIP) and the efforts made by it in mainstreaming the development concerns of the wide spectrum of WIPO membership. We urge for the resumption of the suspended 7th session of the Committee and its smooth steering ahead to enable the Committee fulfill its important mandate that include developing work programme for the implementation of the development agenda and its monitoring. Realization of development agendas is indispensable if we are to create a fair and sustainable IP system.

Technology has made far reaching breakthroughs, transformed the world, and brought prosperity in the lives of human beings. We need to address the North-South technological gap and the knowledge and digital divide between LDCs and others. This divide in intellectual property and its yields is indeed going to perpetuate the divide in income, living standards and every attribute of life. The creation of a favorable IP environment is essential for economic development.

Advancing technological capability in production, investment and innovation is key to the knowledge and wealth creation. A new set of tools is needed to address emergent problems we never imagined. We call for the transfer of appropriate and productive technology and dissemination of information for creating a sound and viable technological foundation to promote knowledge, creativity and innovation for the upliftment of economy and society.

Traditional Knowledge, Genetic Resources, Traditional Cultural Expression and Folklore need to be seen from the overall perspectives of socio-economic development. While formulation of national legislation to protect them from misappropriation is necessary, protection measures at the national level alone are not enough. This rich heritage faces the risk of withering away in the absence of technical knowhow and financial resources. Serious efforts are needed to develop comprehensive strategies to protect rich cultural heritage and use these precious indigenous resources for wealth creation and employment generation. Initiatives to protect them through copyrights and related rights systems and other appropriate mechanisms to ensure a mandatory disclosure of the source and country of origin are necessary.

LDCs Group welcomes the progress made by the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) in the ongoing text based negotiations of the normative standards aimed at ensuring their protection. We are of the view that the Committee should be allowed to continue its work until fair and acceptable legal instruments are finalized and put in place.

Mr. Chairman,

It is encouraging to see IP emerging as an integral part of development process. However, the domain of IP has not been immune from the on-going impacts of financial and other emergent crises. According to an OECD report spending in R&D significantly declined in 2008 and 2009. IP was quick to respond to the sign of recovery in 2010. The Yearly Review of the International Patent System 2010 published by WIPO indicates that in 2010 the world witnessed almost 6% of increase in patent filing, a major indicator of creation of new goods or services. The biggest growth occurred in the emerging markets. This growth is not

equitable – top 3 sub regions account for over 80% of patent filing and in this race of fostering creativity and knowledge, LDCs feature nowhere.

The crucial importance of IP in economy cannot be overemphasized including in this time of looming crises of all kinds. It has potentials to contribute in addressing the most challenging problems and generating jobs and economic growth. Innovation is needed for discovering new climate-serving technologies, generating novel life-saving medicines, introducing new technologies in agriculture and bringing the marginalized into the mainstream for creativity and knowledge. At a time when the world is under growing social and economic pressures, the role of IP remains pivotal in promoting decent job, generating sustainable life styles, addressing the crises and contributing towards a fair, inclusive, stable and secure world.

Thank you for your kind attention.